

The Commonwealth of Massachusetts  
FIFTEENTH ANNUAL REPORT

*to the*

JUSTICES OF THE

MASS. SUPREME JUDICIAL COURT



*By the*

EXECUTIVE SECRETARY,

*as of*

June 30, 1971

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THE HONORABLE THE CHIEF JUSTICE AND ASSOCIATE JUSTICES  
OF THE SUPREME JUDICIAL COURT FOR THE COMMONWEALTH



ROBERT  
BRAUCHER

PAUL  
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EDWARD  
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## INTRODUCTION

1. The commencement of the 1972 legislative session again presents the many problems facing the courts which require solution if any substantial progress is to be made in the improvement of judicial administration.

2. The creation of an intermediate appellate court and the enlargement of the Superior Court bench are at the top of the list of essential court measures.

3. The appellate and nisi prius work of the justices of the Supreme Judicial Court, and the criminal and civil case loads of the justices of the Superior Court have long since exceeded any reasonable measure of the capacity of those courts to dispose of their judicial burdens.

4. To make matters worse normal retirements and the forced retirements which will occur if the voters should approve the constitutional amendment for seventy year retirement of judges will remove from the bench many experienced jurists. Time will necessarily elapse before their replacements will be available for service.

5. There is indeed a crisis in the courts of Massachusetts. No improvements in the management of the business of the courts will provide the relief that additional judges will bring to the judicial system.

## THE JUDICIAL SYSTEM

6. The following outline describes the organization of the courts of the Commonwealth.

### A. THE SUPREME JUDICIAL COURT

The chief justice and six associate justices.

Final appellate jurisdiction in all cases.

Original jurisdiction — mainly petitions for extraordinary writs and for relief under various statutes — single justice.

Advisory opinions at the request of either branch of the Legislature or the Governor or the Executive Council.

General superintendence of all courts of inferior jurisdiction.

### B. THE SUPERIOR COURT

The chief justice and forty-five associate justices.

General trial jurisdiction, jury and non-jury. Circuit system.

C. THE PROBATE COURTS

The chief judge, twenty-three judges, one part-time judge, and one special judge.

Jurisdiction of probate of wills, administration of estates, appointment of guardians and conservators, divorce and annulment of marriages, separate maintenance, adoption and change of name. Equity jurisdiction except as otherwise provided by statute. County system except judges subject to assignment by chief judge.

D. THE LAND COURT

The Judge and two associate judges.

Jurisdiction in land titles, registrations and uses.

E. THE DISTRICT COURTS

The chief justice, sixty-three full-time justices, seventeen part-time justices and eighty special justices.

Jurisdiction of lesser criminal cases and of civil actions at law and of juvenile cases. Non-jury, except sessions with jury of six on a permanent basis in East Cambridge, Dedham or Quincy, Framingham, Lowell and Worcester; for a term expiring July 1, 1972, in Brockton, Haverhill or Salem, New Bedford, Pittsfield, and Springfield.

Five-judge appellate divisions — northern, southern and western districts.

F. THE MUNICIPAL COURT OF THE CITY OF BOSTON

The chief justice, eight associate justices, and four special justices.

Three-judge appellate division.

G. THE BOSTON JUVENILE COURT

The justice and two special justices.

H. THE SPRINGFIELD JUVENILE COURT

A justice.

I. THE WORCESTER JUVENILE COURT

A justice.

J. THE HOUSING COURT OF THE CITY OF BOSTON

A judge.

Jurisdiction of housing code enforcement.

7. There appears to be increasing support for legislative action that would provide for state assumption of the entire costs of operating the courts. Early reports of this office stressed the

inequity and the inefficiency of the present system of divided responsibility between county and state government.

8. Each year the cost to the property taxpayers for the support of county government increases and the inequities are magnified. Revision of the entire tax structure of the Commonwealth is an imperative and with it the assumption by the state of the costs of the operation of the courts.

9. By St. 1971, c. 843, the Housing Court of the City of Boston was created. The court with its judge, clerk, assistant clerks, housing specialists, and clerical personnel are to be quartered in the Suffolk county court house, and the whole operation is to be paid for by the City of Boston.

10. Thus another independent judicial empire will arise, to be nourished by the long-suffering taxpayers of the City of Boston. From the point of view of efficient administration of the court system a more senseless method of dealing with the problem of housing code enforcement cannot be imagined.

11. As in the case of the establishment of the juvenile courts in the cities of Springfield and Worcester the Boston housing court law will probably lead to a rash of bills to create similar courts in other large cities.

12. With a Superior Court possessed of all the powers necessary for housing code enforcement but lacking the judicial manpower to perform its other myriad duties, that court should rather have been brought to proper strength. If specialized skills for housing code enforcement work are required of a judge or of his supporting personnel, a division of the court could be established within the administrative framework of the Superior Court.

13. By the use of a divisional Superior Court judge and personnel for housing code enforcement the purposes of the new law would have been served and the needless expense and inefficiency of a new court, with concurrent jurisdiction, been avoided.

14.

## POPULATION

(by Counties)

(Thousands)

	State 1955	Federal 1960	State 1965	Federal 1970
1. Middlesex	1,115	1,239	1,280	1,397
2. Suffolk	820	791	706(—)	735
3. Worcester	574	583	610	638
4. Essex	544	569	609	638



5. Norfolk	448	510	560(+)	605
6. Hampden	389	429	435	459
7. Bristol	390	398	415	444
8. Plymouth	214	248	293(+)	333+
9. Berkshire	138	142	146	149
10. Hampshire	87	103	100	124+
11. Barnstable	53	70	74(+)	97+
12. Franklin	56	55	58	59
13. Dukes	6	6	6	6
14. Nantucket	4	4	4	4
	<hr/> 4,838	<hr/> 5,149	<hr/> 5,295	<hr/> 5,689

+ over 20% increase, 1960-1970

(+) over 20% increase, 1955-1965

(-) over 20% increase, 1955-1965

15. In round figures the population of Massachusetts rose in the 1960 decade from 5,149,000 to 5,689,000, an increase of 10.5 per cent. In this period three counties increased in numbers in excess of 20 per cent: Barnstable, 37.5%; Hampshire, 20.1%; Plymouth, 34.2%.

16. The 1970 census report shows that 4,767,000 reside in urban areas, or 83.8% of the population.

### DELAY IN COURT

17. There is a widespread belief that no-fault automobile insurance will substantially reduce the volume of motor vehicle tort litigation in the superior and district courts. That belief is not supported by the evidence now available.

18. Personal injury claims arising out of automobile accidents occurring on and after January 1, 1971, are subject to no-fault. St. 1970, c. 670. The coverage of property damage claims applies to accidents taking place on and after January 1, 1972. St. 1971, c. 978.

19. As to the latter claims it is impossible to determine at this time what effect the law will have on the volume of cases entered in court.

20. The period covered by the statistics of the superior and districts courts in this report is the twelve months ending June 30, 1971. That period contains the first six months of 1971 during which no-fault insurance in personal injury claims was in effect, as well as the last six months of 1970 under the old law.

21. Since cases continued to be entered in the period from January 1 through June 30, 1971, for claims arising out of accidents occurring in 1970, the statistics are inconclusive. However, if the claim that no-fault would produce a substantial reduction in tort

litigation is valid, the figures for the twelve months ending June 30, 1971, should show some reduction in the number of cases entered.

22. The reverse, however, is the case in the superior court. For twelve counties (Dukes and Nantucket omitted) there were 22,170 motor tort entries in the superior court in the year ending June 30, 1970, and 22,736, in the year ending June 30, 1971, an increase of 566 cases.

23. In the district courts there was a small reduction in the number of motor vehicle tort cases entered. In the year ending June 30, 1970, these entries totalled 33,861; in 1971, 32,856.

24. The transition period from fault to no-fault was marked by the test case on the constitutionality of the law, which was upheld on June 29, 1971. *Pinnick v. Cleary*, Mass. Adv. Sh. (1971) 1129.

25. A law school research group is conducting a study of the effects of the no-fault insurance law on the volume and character of motor tort litigation in the superior court in some of the larger counties. The results of their investigation should throw a clearer light on the question. Meanwhile it has not yet been demonstrated that the courts have been relieved in any substantial way by the no-fault insurance law.

26. Three measures are available for gauging the delay in reaching civil jury cases for trial. They are the time lapse figures published by the Institute of Judicial Administration, the time-lag table based upon the reports to the Chief Justice of the Superior Court, and the table of civil jury cases triable at issue and awaiting trial compiled by this office from reports from the clerks of the courts.

27. Although there are differences between the Institute figures and the Superior Court time-lag table, both sources indicate that in the larger counties, with the exception of Worcester, there is unconscionable delay in reaching civil jury cases for trial.

28. The 1971 Calendar Status Study of the Institute of Judicial Administration lists five Massachusetts courts of general jurisdiction i.e., the Superior Court in five counties, among the twenty courts which show the longest delay in reaching personal injury, jury cases for trial.

29. The 1971 schedule places the five Massachusetts courts in months from entry to trial of all civil jury cases as follows:

	<i>Court and County</i>	1970	1971
10th	Superior Court, Middlesex (Cambridge)	42	40
14th	Superior Court, Suffolk (Boston)	39	35



16th	Superior Court, Essex (Lawrence)	35	33.5
17th	Superior Court, Norfolk (Dedham)	35	32
19th	Superior Court, Hampden (Springfield)	26	30

30. The Time-Lag table which follows presents a worse picture of the trend in the time lapse in months from entry to trial of all civil jury cases in the Superior Court. In order are the larger counties reporting more than thirty-six months as follows:

<i>County</i>	<i>1970</i>	<i>1971</i>
Plymouth	43.3	43.6
Bristol	43	42.2
Middlesex (Cambridge)	40	41
Suffolk	35	39
Norfolk	32	38

31. Differences in reporting methods may account for the variations in the two sources quoted above. The closing date for the Institute is May 1, 1971; for the Superior Court, June 30, 1971.

32. The Institute uses a sampling method in producing its average, whereas the Superior Court averages all civil jury cases. In its comparison with most other states the Institute leaves Massachusetts at a disadvantage by about one month by using as a starting date the service of answer, or an equivalent date, instead of the date of entry. Also, most states are reporting personal injury, jury cases to the Institute rather than all civil jury cases.

33. The third measure of delay in reaching civil jury cases for trial appears in the following table of jury cases triable at issue and awaiting trial. The total number of such cases rose substantially from 41,916 in 1970 to 45,721 in 1971, an increase of 3,805 cases.

34. The total number of cases over 18 months old rose by 1,979, from 16,479 in 1970 to 18,458 in 1971. The state percentage for cases over 18 months old was 40.3. The larger counties exceeding the state average were: Bristol 44.7%, Franklin 42.8%, Middlesex 46.79%, Norfolk 47%.

35. Until more civil sessions are provided in the large counties the delay in reaching civil cases for trial is bound to increase. Unfortunately civil sessions are being cut down in order to meet the demand for the trial of criminal cases. This is happening in metropolitan areas in other states.

36. In 1966 there were 20,646 criminal cases commenced in the Superior Court and at June 30, 1966, there were 10,098 cases on hand. For 1971 criminal cases commenced totalled 38,353 with 28,330 cases on hand at June 30, 1971.

37. In recent months the Chief Justice of the Superior Court has been forced to reduce the number of civil jury sessions in Suffolk county from eight to two. As many as four criminal sessions at a time have been devoted to the trial of capital cases.

38. With priority given to "jail" cases the prosecution of "bail" cases is being postponed beyond safe limits. All too frequently defendants out on bail are being arrested on charges of new offences.

39. In other jurisdictions courts are imposing rigid time limits on the prosecution of criminal cases. Under present conditions in Massachusetts the criminal justice system is incapable of meeting such requirements.

40. The legal profession has constantly warned the legislative branch of the crisis in the Massachusetts courts. It is apparent, however, that no adequate response will be made until the pressure of public opinion forces action that will supply the courts with the judges and supporting personnel, the prosecutors and defenders needed in the criminal justice system.

<i>County</i>		1. <i>Jury Cases Triable at Issue &amp; Awaiting Trial</i>	2. <i>Under 12 mos.</i>	3. <i>12 to 18 mos.</i>	4. <i>18 to 24 mos.</i>	5. <i>24 to 30 mos.</i>	6. <i>30 to 36 mos.</i>	7. <i>Over 36 mos.</i>	8. <i>Percent over 18 mos.</i>	9. <i>Cases over 18 mos.</i>	10. <i>Percent over 12 mos.</i>
Barnstable .....	1970	332	154	60	49	30	25	14	35.5	118	54.0
	1971	389	211	81	45	20	13	19	24.94	97	45.75
Berkshire .....	1970	614	334	115	60	44	26	35	26.87	165	45.6
	1971	810	391	111	93	87	51	77	38.02	308	51.72
Bristol .....	1970	3,073	1,025	347	366	306	285	744	55.0	1,701	67.0
	1971	2,594	938	415	308	285	274	374	44.7	1,241	63.7
Dukes .....	1970	33	14	8	11	0	0	0	33.3	11	24.2
	1971	33	0	5	17	11	0	0	84.0	28	15.0
Essex .....	1970	3,391	1,530	574	460	389	232	206	37.9	1,287	54.8
	1971	3,905	1,695	670	527	383	269	361	39.4	1,540	56.6
Franklin .....	1970	238	85	45	32	34	28	14	41.2	108	64.2
	1971	287	130	35	40	32	25	25	42.8	122	54.7
Hampden .....	1970	2,660	1,732	348	177	153	124	126	22.0	580	35.0
	1971	3,809	1,821	447	452	399	223	467	40.0	1,541	52.0
Hampshire .....	1970	118	53	21	14	8	17	5	37.0	44	55.0
	1971	217	131	50	13	9	5	9	17.0	36	40.0
Middlesex .....	1970	10,441	4,425	1,289	1,262	1,181	981	1,306	45.0	4,727	57.0
	1971	11,624	4,804	1,381	1,319	679	1,467	1,974	46.79	5,439	58.67



Nantucket .....	1970	8	0	0	0	0	2	6	100.	8	100.
	1971	7	4	0	0	0	1	2	42.0	3	42.0
Norfolk .....	1970	3,906	1,504	518	510	499	316	559	48.0	1,884	64.0
	1971	4,336	1,745	569	496	449	393	684	47.0	2,022	60.0
Plymouth .....	1970	2,989	1,109	446	386	349	219	480	47.9	1,434	62.8
	1971	2,661	1,229	380	120	153	293	486	39.6	1,054	53.8
Suffolk .....	1970	11,018	5,390	1,562	1,147	1,478	492	949	37.0	4,066	51.0
	1971	11,001	5,296	1,394	1,023	963	800	1,525	39.0	4,311	51.0
Worcester .....	1970	3,095	2,413	359	172	85	48	39	11.5	346	22.7
	1971	4,048	2,890	442	241	171	101	203	17.0	716	28.0
TOTALS .....	1970	41,916	19,768	5,692	4,646	4,556	2,795	4,483	39.3	16,479	52.8
	1971	45,721	21,285	5,980	4,694	3,641	3,915	6,206	40.3	18,458	53.3
Increase 1971 over 1970 .....		3,805	1,517	288	48	—915	1,120	1,723	+1.0	1,979	+5

TIME-LAG IN MONTHS FROM DATE OF ENTRY TO TRIAL  
*Counties in Which Sittings Are Continuous or  
 Practically so During the Court Season*

	1970	1971	+ or —
BRISTOL .....	43	42.2	— .8
ESSEX .....	33.6	35	+1.4
HAMPDEN .....	30	33	+3
MIDDLESEX			
Cambridge .....	40	41	+1
Lowell .....	21	23	+2
NORFOLK .....	32	38	+6
SUFFOLK .....	35	39	+4
WORCESTER			
Worcester .....	21	22	+1
Fitchburg .....	21	20	—1

*County in Which Sittings are Nearly Continuous*

	1970	1971	+ or —
PLYMOUTH .....	43.3	43.6	+ .3

*Counties in Which Sittings Are Not Continuous  
 (Age of Most Recent Cases Reached in Normal  
 Course When Sittings Held.)*

	1970	1971	+ or —
BARNSTABLE .....	34	31	—3
BERKSHIRE .....	31	28.3	—2.7
FRANKLIN .....	36	34	—2
HAMPSHIRE .....	19	17	—2

## REMAND AND REMOVAL

41. The remand of cases from the superior court to the district courts and the Boston municipal court showed an increase from 12,185 in 1970 to 12,847 in 1971. The remand limit under G. L. c. 231, § 102C, remained at \$2,000.

### I. *Civil Cases Remanded*

	<i>To District Courts</i>	<i>To Boston Municipal Court</i>	<i>Total</i>
1963 .....	10,679	1,818	12,497
1964 .....	11,367	1,575	12,942
1965 .....	11,326	1,730	13,056
1966 .....	10,502	1,461	11,963
1967 .....	12,585	1,733	14,318
1968 .....	12,234	2,663	14,897
1969 .....	10,986	3,823	14,809
1970 .....	10,137	2,048	12,185
1971 .....	10,818	2,029	12,847
	<hr/> 100,634	<hr/> 18,880	<hr/> 119,514

### II. *Superior Court Trials to Verdicts or Findings After Findings Below*

	<i>Jury</i>	<i>Without Jury</i>	<i>Total</i>
1963 .....	167	26	193
1964 .....	230	32	262
1965 .....	215	31	246
1966 .....	209	11	220
1967 .....	259	37	296
1968 .....	262	10	272
1969 .....	248	21	269
1970 .....	257	32	289
1971 .....	214	21	235
	<hr/> 2,061	<hr/> 221	<hr/> 2,282

### III. *Law Actions\* Entered Superior Court*

1963 .....	34,304
1964 .....	37,140
1965 .....	39,523
1966 .....	35,548
1967 .....	34,730
1968 .....	33,558
1969 .....	34,381
1970 .....	35,155
1971 .....	36,453
Total .....	<hr/> 320,792

\*(Includes removals)

42. In nine years 320,792 law actions were entered in the superior court. During that period 119,514 cases, or over 37%, were transferred.

43. In the same period 2,061 cases were retried to verdicts or 1.7% of 119,514 cases transferred. The total of cases retried to verdicts or findings was 2,282, or 1.9% of all cases remanded.

44. The ratios of retransferred cases requiring a full second trial in the superior court have remained constant in recent years and are remarkably low. Since better than one-third of the superior court civil case load is disposed of without the necessity of trial in that court, it is clear that the remand procedure continues to be an effective means of relief to the superior court.

45. Much of the reduction in the superior court civil case load brought about by remands is offset by removals to the superior court from the district courts and the Boston municipal court. The following table shows an increase in removals under G. L. c. 231, § 104, continuing since 1966. In 1966 there were 8,604 cases removed; in 1971, 11,852.

1963	7,184
1964	9,197
1965	10,929
1966	8,604
1967	9,016
1968	9,419
1969	10,438
1970	11,228
1971	11,852

46. Since the number of cases removed represents about one-third of all law actions entered in the superior court, the need continues for a study of the causes for removals and for a remedy that would keep more cases in the district courts.

47. Present recording and compiling of statistical information on the removal of cases does not readily supply the detailed data which are required for study purposes. Manual case by case examination of the dockets and original papers in the clerks' offices would be a very onerous task. This is but one of many applications for data processing.

#### MASSACHUSETTS JUDICIAL CONFERENCE

48. The composition of the Massachusetts Judicial Conference has changed since the last report. Justice John V. Spalding, retired, has returned to the Conference in his capacity as Chairman of the



Judicial Council. Justice Edward F. Hennessey of the Supreme Judicial Court and Judge William I. Randall of the Land Court are new members of the Conference. The members now are:

Chief Justice G. Joseph Tauro, *Chairman*

Justice R. Ammi Cutter

Justice Jacob J. Spiegel

Justice Paul C. Reardon

Justice Francis J. Quirico

Justice Robert Braucher

Justice Edward F. Hennessey

Chief Justice Walter H. McLaughlin

Judge William I. Randall

Chief Judge John A. Costello

Chief Justice Elijah Adlow

Chief Justice Franklin N. Flaschner

Justice John V. Spalding, retired

Richard D. Gerould, *Secretary*

49. Under the provisions of S. J. C. Rule 3:16 (4)

The Conference (a) may consider and make recommendations on matters relating to the conduct of judicial business, the improvement of the judicial system, and the administration of justice in such manner as the Conference from time to time may deem appropriate; (b) may initiate and conduct legal research; (c) shall assist this court in coordinating the activities of the several courts; (d) may conduct general conferences and educational meetings; (e) may appoint reporters, advisers, research assistants, and other employees, either for the general work of the Conference or for designated projects and, subject to the availability of necessary funds, may make expenditures, including the payment of the foregoing persons; (f) may employ such facilities of universities, law schools, colleges, bar associations, foundations, and other institutions, as may be made available to it; and (g) may appoint standing or special committees.

50. Meeting on September 10, 1971, the Conference considered and approved the legislative proposals on the judiciary submitted by Governor Sargent, House No. 5476 of 1971, a progress report of the project for the adoption of Rules of Civil Procedure, and a proposal for a similar project for the adoption of Rules of Criminal Procedure. Among other reports received were those relating to the Massachusetts Court Management Survey and the co-ordination of all federally funded court projects, to the Massachusetts Defenders Committee, to the Committee on Federal-State court relations, to the Joint Special (Legislative) Committee on

Reform of the Judicial System, to the plans for expansion of programs of judicial education, and to the Citizens' Conference on Improving the Administration of Justice.

51. In later sections of this report descriptions of the progress since the September conference meeting of the various projects for improvement of the administration of justice appear.

### PROBATE COURTS

52. The development of the probate courts as family courts of the Commonwealth has been accompanied by the need for probation (more accurately described as family service) officers. Although the enabling legislation was enacted in 1969, St. 1969, c. 771, the offices are only now being filled. The Chief Judge of the Probate Courts has become a member of the Committee on Probation. St. 1971, c. 802.

53. There is growing interest in eliminating the fault principle in the divorce law of the Commonwealth. Present proposals would permit the granting of a divorce where husband and wife have agreed upon the terms of separation, property settlement, custody of children, and support, and the parties have complied with the agreement for the period of one year.

54. The permanent failure of a marriage would thus be recognized and the lasting scars caused by name calling would be largely avoided. The probate courts would deal less with the battle of the sexes and more with the rational solution of the problems of the divided family.

55. If the experience in other states demonstrates the wisdom of divorce without proof of fault and the opponents of the measure can be shown that the institution of marriage is not threatened, change is likely here.

56. The probate courts have adopted a new Rule 41 A, as amended by the justices of the Supreme Judicial Court, which provides for the waiver of the entry fee in divorce libels, petitions for annulment or to determine the validity of marriage, where the petitioner is found to be indigent. In such cases relief is also given by Rule 41 A from certain requirements as to service and the costs of service.

### DISTRICT COURTS

57. The district courts continue to be the focus of attention of the observers of the court system. In those courts most people form their first and last impression of the judicial system. Thus the district courts are in the front line of attack by the critics of the courts.



58. Several important steps have been taken to improve the administration of justice in the district courts and more improvements will be made as support is provided.

59. Effective August 2, 1971, Initial Rules of Criminal Procedure were adopted for the district courts. The rules cover the procedures designed to assure defendants of their constitutional rights at arraignment, pleading, and bail hearing.

60. Seminars for district court judges have been held and are continuing. Beside their usefulness in the continuing education of the judges in the skills of their profession and in the problems of new legislation, such as the mental health law, the seminars bring together judges for discussion of their common problems. This produces better performance and greater consistency in the disposition of similar cases.

61. The lack of stenographic or electronic recording of proceedings in the district courts is a major source of complaint. Since there is a serious shortage of qualified court stenographers, it is obvious that the courts must be supplied with electronic recording devices. The expense of equipping the district courts with recorders must be assumed by the counties. There should be no delay in commencing to furnish the courts with recording equipment.

62. Public dissatisfaction with the part-time justice is an old story. The legislative proposal for gradual elimination of the office of special justice as vacancies occur should be adopted. With some, but not all, vacancies filled by the appointment of full-time judges the district court system will eventually be manned by judges without divided interests and sufficient in number to furnish adequate judicial service.

63. The problem of merger of some of the very small part-time district courts into larger full-time courts remains to be solved. This too is an old question and will continue to remain unsolved until the parochial spirit of the residents of the small towns in which these courts are located is overcome.

64. The quality of judicial service rendered to three adjoining small communities would be vastly improved by moving the three small, part-time courts out of their inadequate facilities into a suitable, centrally located court house with full-time judicial and supporting personnel.

65. Chief Justice Flaschner has enlarged his administrative staff, as described in the Court Management section of this report. This staffing provides the office of the Chief Justice with manage-

ment and planning capability previously lacking but essential to the efficient operation of the seventy-two district courts which are scattered throughout the Commonwealth.

66. The powers of appointment of district court judges as members of the administrative committee and of designation of district court judges to serve on the appellate divisions of the district courts has been transferred to the Chief Justice of the District Courts. St. 1971, c. 867.

67. In addition to the assistance and advice of the members of the administrative committee, the chief justice is aided by a number of committees consisting mostly of judges with some clerks and probation officers as members. The committees cover the subjects of criminal procedure, civil procedure, juvenile procedure, juries of six, mental health, drugs, alcoholism, non-support, organization, and grievances.

## CIVIL PRACTICE AND PROCEDURE

68. The Judicial Conference Advisory Committee on the Rules of Civil Procedure, acting with subcommittees on the trial and appellate rules, has completed its consideration of suggestions for amendments to the Proposed Rules as published and distributed in March, 1971.

69. The suggestions came from judges, lawyers, and bar association committees. The Reporters analyzed all suggestions and submitted them, together with their recommendations, to the subcommittee members, for discussion and action.

70. Justice Cornelius J. Moynihan, Chairman of the Advisory Committee, and the Reporters attended ten meetings, sponsored on a regional basis by the various bar associations, throughout the Commonwealth, starting with a panel presentation at the annual meeting of the Massachusetts Bar Association in June, 1971.

71. The next steps toward the adoption of the Proposed Rules are the preparation of a petition to the Supreme Judicial Court for adoption of the rules, the approval of the filing of the petition by the Committee on Civil Procedure of the Massachusetts Judicial Conference, and the filing of the petition with the Supreme Judicial Court.

72. During the summer and fall of 1971 the Reporters with law student assistance drafted the voluminous amendatory legislation for amendment or repeal of the statutes which would otherwise conflict with the provisions of the Proposed Rules. Prior to the



December 1, 1971, deadline for filing legislation the bill, Senate No. 24, was filed by Senator William M. Bulger, Chairman of the Committee on the Judiciary. The proposed legislation is awaiting a hearing by that Committee.

73. The Advisory Committee is recommending that initially the trial rules apply to the Superior Court, the Land Court (with exceptions for registration proceedings and other in rem cases), the single justice session of the Supreme Judicial Court, and to the Boston Housing Court. After experience is gained by the trial bar in working with the new rules it is likely that they will be made applicable in equity cases in the Probate Courts and eventually adapted for some civil proceedings in the District Courts.

74. The Council on Law-Related Studies, a grant-giving private foundation with a distinguished board of legal educators, social scientists, and lawyers, has funded a study of the effects of "no-fault" motor vehicle liability insurance on the courts. In selected superior and district court clerks' offices the study group by examination of the papers in motor vehicle tort cases has been recording comparative data for the quarters ending December 31 of 1969, 1970, and 1971.

75. When completed, the study should establish with reasonable accuracy the effect of the law on the volume of motor vehicle personal injury tort claims brought to court. The study is continuing. Preliminary findings indicate a significant decrease in the number of entries of cases involving claims arising out of accidents occurring after January 1, 1971, the effective date of the "no-fault" law on personal injury claims.

76. However, the notion that the law will relieve the trial judges of a substantial portion of their work is not supported by any convincing proof. Although the number of entries of motor vehicle tort cases may decrease, it does not necessarily follow that judge time spent on pre-trial and trial of automobile accident cases will also decrease.

77. Furthermore, should any relief to the superior court judges develop in the future, the steadily increasing criminal case load, the civil backlog, and the expansion of litigation in other civil liability areas, such as medical malpractice and consumer class actions, will require for many years the enlargement of the superior court bench.

78. Surprisingly there has been little information gained about the operation of the comparative negligence statute which affects causes of action arising on and after January 1, 1971. In the superior court, at least, this is probably due to the fact that most negligence cases being reached for trial antedate the statute.

79. The gross negligence rule in motor vehicle guest passenger cases has been abolished. G. L. c. 231, § 85L, added by St. 1971, c. 865. The statute, effective as to causes of action arising after January 1, 1972, provides that in an action of tort for personal injuries, property damage or consequential damages the passenger in the exercise of due care may recover upon proof that the operator was guilty of ordinary negligence.

80. The maximum recovery for wrongful death has been increased from \$50,000 to \$100,000. St. 1971, c. 801, amending G. L. c. 229, § 2. The statute is effective January 1, 1972.

81. After the warning issued by the Supreme Judicial Court of its intention to abolish the doctrine of charitable immunity the next time the issue is squarely presented, statutory action was taken to abolish the immunity and to limit recovery to \$20,000, exclusive of interest and costs. St. 1971, c. 785. Liability for torts committed in the course of activities primarily commercial in character continues without limit as before.

## CRIMINAL PRACTICE AND PROCEDURE

82. Perfecting amendments have been made in the bail reform statute. St. 1971, c. 473. The statute in operation, desirable as it is in providing procedures by which indigent persons accused of crime may be released on their personal recognizances if they may reasonably be expected to appear for trial, has added substantially to the work of the superior and district courts.

83. Under the sponsorship of those courts and funded by the L. E. A. A. an experimental program has been conducted in two of the district courts on a refundable money bail program aimed at eliminating the forfeiture of bail bond premiums even if the defendant appears for trial. The program is a part of a general movement that would bring about the eventual replacement of the professional bail bondsmen.

84. Privately financed, a distinguished Criminal Law Revision Commission has worked since June, 1968, on a Proposed Massachusetts Criminal Code. The proposed code was filed in the fall of 1971 as Senate No. 200 for consideration in the current legislative session.

85. The code would completely revise and reorganize the substantive criminal law of the Commonwealth. The growth of that law by statute and by court decision over the years has occurred in haphazard fashion with the necessary results of confusion, inconsistency, and complexity.



86. Within the limits of this report it is not possible to explain in any detail the provisions of the proposed code. It has recently been published and distributed in pamphlet form with explanatory notes through the courtesy of the Lawyers Co-Operative Publishing Company and the Michie Company.

87. The six major objectives of the criminal law revision have been stated as:

(1) Development of general principles of responsibility and culpability.

(2) Statutory restatement of the many areas of law which are now covered only in common law terms.

(3) Coherent organization of the statutory provisions which create crimes.

(4) Elimination of overlapping, fragmented and prolix definitions of, and inexplicable gaps between, existing crimes.

(5) A rational grading and classification of crimes, with an attempt to develop criteria for sentencing.

(6) Mandatory post-release parole periods for serious offenders, to facilitate their post-release readjustment to life outside prison.

88. A proposal for the commencement of a project for the preparation of rules of criminal procedure has received the approval of the Massachusetts Judicial Conference. It is expected that initial funding will be received through the Governor's Committee on Law Enforcement.

89. Plans are being developed to engage the research facilities of the Center for Criminal Justice of the Boston University Law School in a comparative study of the present system of criminal procedure in Massachusetts, the Federal rules of criminal procedure, and the American Bar Association standards.

90. Following the pattern of the civil procedure project, an Advisory Committee representing judges, prosecutors, defenders, and legal educators, would rely upon the services of reporters for drafting rules and notes. The Committee would be responsible for adoption of the proposed rules for the purpose of their submission to the Supreme Judicial Court.

91. The project will take at least three years for the development of a complete body of proposed rules. During this period the pressure for procedural change in the criminal law from the law reform groups will doubtless continue.

92. As stated elsewhere in this report, the District Courts have made a beginning in the formulation of Initial Rules of Criminal

Procedure. That effort should continue along with the development of the more comprehensive research and drafting involved in the proposed project.

93. From the District Courts, judges, court personnel, and lawyers, one of the most frequent complaints about the administration of criminal justice is the shortage of lawyers from the Massachusetts Defenders Committee. As the numbers of defendants who seek to rely upon the services of the Committee mount, the quality of the legal assistance is diluted.

94. This not only works an injustice on indigent persons charged with crime who must accept the hurried attention of an overworked defender but it also impairs the prompt and efficient dispatch of the criminal business of the district courts.

95. In the smaller courts a defender is available perhaps one day a week so that the disposition of the criminal cases at their various stages of arraignment, bail, pre-trial motions, and trial must be interrupted and delayed for lack of counsel. In the larger courts with a heavy volume of criminal business and with multiple sessions the absence of a sufficient number of defenders on a daily basis produces a situation where continuances because of engagements are inevitable.

96. The widening gap between the case load of the Committee and its resources is seen in the following table.

	<i>Number of new cases</i>	<i>Received</i>	<i>Number of full-time lawyers</i>
1963 .....	1,708	\$ 88,570	7
1968 .....	18,218	789,488	58
1969 .....	22,183	837,888	58
1970 .....	27,880	966,832	65
1971 .....	35,207	1,080,977	74

97. In its budget requests for the fiscal years 1972 and 1973 the Committee has estimated case loads (individual defendants) of 42,000 and 48,000 to 50,000 respectively.

98. To provide a staff adequate in size and fairly compensated in fiscal 1973 to handle the anticipated case load would require an appropriation of \$5,656,356. This amount would permit the enlargement of the number of attorneys from 74 to 220. Of this total 188 would be available for trial work, the remaining 32 for appellate, post-conviction, and supervisory employment.



99. The average case load for each trial attorney would be 227. In the district courts the lawyers would handle a larger than average number of cases, while in the superior court the numbers would be less.

100. The approximate average cost to the Commonwealth for each defendant represented by a Committee lawyer in fiscal 1972 is \$27.15. The expense of furnishing court appointed fee attorneys would far exceed this figure.

101. The criminal justice system faces a serious breakdown unless a solution is found for the dilemma of the Massachusetts Defenders Committee. A survey of the operations of the Committee has been conducted with a view to improvements in management but it is inconceivable that anything short of vastly increased financial support will suffice to give adequate relief.

102. The number of claims for compensation from victims of violent crimes in the years from 1968 through 1971 has reached a total of 453. Under the provisions of G. L. c. 258A the claims are filed in the district courts and are processed by the office of the Attorney General.

103. That office reports that from 1968 through February 2, 1972, \$150,200 has been disbursed and at the latter date \$18,000 was pending for payment. The average finding has been \$1,350. During this period 127 claims have been heard and closed.

104. Trials of misdemeanor cases by juries of six are now authorized in the following district courts: on a permanent basis in East Cambridge, Dedham or Quincy, Framingham, Lowell and Worcester; for a term expiring July 1, 1972, in Brockton, Haverhill or Salem, New Bedford, Pittsfield, and Springfield. A bill is waiting legislative action that would put all of these courts on a permanent basis with respect to trials of misdemeanor cases by juries of six.

## THE JUDICIARY

105. The voters of Massachusetts will have to decide at the election to be held in November, 1972, whether to approve the legislative amendment to the Constitution which would require all judges to retire upon attaining the age of seventy. The proposal would amend Part 2, Chapter 3, Article 1, of the Constitution.

106. The amendment contains no provision that would permit the temporary service of judges so retired even though they were fully capable of service and their help were badly needed.

107. This office has consistently opposed a measure that would automatically deprive the courts of the services of seasoned judges in the full possession of their mental powers.

108. The devastating consequences of the adoption of the amendment have rather slowly come to light. More than fifty judges in the various courts would be affected, with about one-third of the forty-six justices of the Superior Court included in that number.

109. Unlike the process in a business establishment of training junior executives to replace their seniors upon retirement, the selection of judicial candidates, their appointment and confirmation, and their training take a lot of time.

110. The courts will be seriously affected by the proposed amendment in the fall of 1972 before action is taken by the voters on the amendment. With the possibility that a large number of judges will be disqualified for judicial service in November prudence would dictate that the senior judges should not undertake the disposition of new cases. That would reduce the number of judges available for the regular work of the Superior Court to thirty and would similarly reduce the manpower in the other courts in varying degrees.

111. In the event that the amendment is adopted there will follow a period of perhaps months during which the selection, appointment, and confirmation of the new judges must take place. It is wholly unrealistic to expect that there can be a speedy replacement of fifty or more retired judges.

112. After the new judges are sworn in, those without prior judicial experience will need a long period of on-the-job training before they can hope to be equal in performance to the seasoned veterans whom they have succeeded.

113. Thus it is apparent that the Massachusetts courts in 1972 and 1973 would be unable to provide even a semblance of the prompt and impartial administration of justice which is constitutionally guaranteed. The voters of the Commonwealth should reject the amendment. If constitutional amendment on the tenure of judges is needed, it should take a form that would provide a reasonable transition period and a method for recalling for temporary service those retired judges who are willing and able to perform judicial duties.

114. The publicity attendant on the charges of misconduct by two superior court judges and two judges of the district courts has created an unfortunate doubt in the minds of the public as to the



integrity of the judicial system. The standards of judicial conduct in Massachusetts have always been high but there is little news value in reporting good conduct except in an obituary.

115. Since judges are traditionally inhibited from promoting their own virtues and the quality of the justice which they dispense, their advocates must be both the members of the legal profession and those lay persons who know the problems and the performance of the judges. It is to be hoped that with support from these sources and increasing public awareness of the courts and the conduct of their business there will be restored respect for and confidence in the judges.

116. A satisfactory solution to the problem of dealing with the serious misconduct or disability of a judge has not been found. The ultimate sanction of removal from judicial office may not be imposed by the courts under present constitutional provisions. In a growing number of states the commission plan with the ultimate disciplinary authority vested in the highest appellate court has been adopted.

117. It is not possible at this time to predict the chances for constitutional change that would alter the present division of responsibility among the judicial, executive, and legislative departments of government. There does appear to be greater public support for such a change but, even if the pressure is sufficient to produce action, the slow process of constitutional revision will postpone for several years the adoption of the commission plan.

## JUDICIAL SALARIES

118. The last general increase in judicial salaries was effective on January 1, 1969. The salary schedule is now:

Supreme Judicial Court	Chief Justice	\$35,000
	Associate Justice	33,800
Superior Court	Chief Justice	31,300
	Associate Justice	30,000
Land Court	Judge and	
	Associate Judges	30,000
Boston Housing Court	Judge	26,400-30,000
	Chief Judge	27,300
Probate Courts	Judge	26,300
	Judge (part-time)	9,400
District Courts	Chief Justice	26,300
	Justice	25,000
	Justice (part-time)	7,600-10,000

Boston Municipal Court	Chief Justice	26,300
	Associate Justice	25,000
Boston Juvenile Court	Justice	26,300
Springfield and Worcester Juvenile Court	Justice	22,000

119. Both the continuing rise in the cost-of-living in the period of more than three years and the recognition in that period by other large states of the need for substantial increases in judicial compensation provide ample justification for similar action in Massachusetts.

120. Bills are pending in the Legislature which would grant additional compensation for the judges. Since similar legislation has been filed in other states, the standing of the Massachusetts judicial salary schedule in comparison with the latest figures from those states cannot be given.

121. Before giving effect to 1972 legislative changes in other states a recent study of judicial salaries ranks the salary of an associate justice of the Supreme Judicial Court (\$33,800) as 13th among the states. Six of the largest states (New York, New Jersey, California, Illinois, Michigan, and Maryland) are listed with salaries in the range of \$40,000 to \$47,838.

123. The same publication ranks the salary of an associate justice of the Superior Court (\$30,000) as 10th among the states. The comparable salary in New Jersey is listed at \$37,000.

## COURT MANAGEMENT

124. A Law Enforcement Assistance Administration grant has been made to the Supreme Judicial Court for additional personnel to assist the court in the discharge of its supervisory functions. The first phase of this multi-year project is intended to expand the capability of the Executive Secretary's office with regard to planning, research, and other functions essential to the efficient administration of the courts.

125. The project staff consists of three professional employees and an administrative assistant. One of the professionals, Edwin Hawkrige, is a former business executive with substantial experience in civic affairs. The second, Robert S. Bloom, is a lawyer with two years' experience as a law clerk in both the Supreme Judicial Court and the Superior Court. The third, Philip X. Murray, is a graduate fellow of the Institute of Court Management with experience at the Federal Judicial Center; he will shortly graduate from



law school. The administrative assistant, Mrs. Sally J. Neylon, is a graduate of St. Mary's College who has had considerable secretarial and editing experience.

126. As an initial step in identifying those areas of judicial administration most needing immediate attention, the project staff distributed letters to people connected with the courts requesting them to submit their views on the administrative problems of the courts and their recommendations for remedial action.

127. Two hundred seventeen responses, many quite detailed, were received. These included 99 from the District Courts (41 justices, 25 special justices, 33 clerks), 21 from Superior Court (14 justices, 7 clerks), 19 from the Probate Courts (10 judges, 9 registers), 8 from the Municipal Court of the City of Boston (8 judges), 4 from the Juvenile Courts (4 judges), 26 from Probation officers, 4 district attorneys, 3 sheriffs, 5 police and correction officials, and 28 attorneys in private practice. (Three attorney responses represented replies from county bar associations.)

128. The most frequently cited matters were the following:

	<i>Number of Responses</i>	<i>Percentage of Responses</i>
1) Facilities (Complaints about facilities)	129 (116)	59% (53%)
2) Budget and Staffing Problems	68	31%
3) Inadequate Numbers of Public Defenders	49	22%
4) Juvenile Problems	26	12%
5) County Control of Courts (i.e., Need for State Control)	22	10%
6) Need for Continuing Education of Court Personnel	19	9%
7) Change Trial De Novo System	17	8%
8) Change or Abolish Status of Special Justice	17	8%
9) Standardize Court Forms	17	8%
10) Discontinue Police Prosecutors	16	7%
11) Alter Handling of Traffic Tickets	14	7%
12) Need to Use Computers	12	6%

The responses have been summarized both according to source and to subject, and a number of them have been distributed within the judicial system for further comment and refinement.

129. The office of the Executive Secretary has established an Administrative Committee consisting of the regular professional employees of the Executive Secretary's Office, all of the project staff, and representatives from the Superior Court, the Probate Courts, the Land Court, the District Courts, the Boston Municipal Court and the Boston Juvenile Court. The Committee, which meets every month, has been formed to advise the Supreme Judicial Court, through the office of the Executive Secretary, concerning the exercise of its supervisory power as well as to help plan and carry out specific improvements within the court system.

130. Three subcommittees — facilities, operations, and education — made up of members of the Administrative Committee have been formed. Specific projects taken up by the subcommittees include new guidelines for record storage, consideration of criteria for the collection and reporting of useful statistical data, and development of educational programs for judges and other court personnel. The subcommittees also provide the project staff with opportunities to meet with court administrative personnel to discuss management problems.

131. The project staff will become involved in the various data processing activities of the several courts. The emphasis will be on coordination of such activities to avoid wasteful duplication of effort and to lay the foundation for a central data processing unit to meet the needs of all the courts. Also, in order to establish greater communication with the judicial system, the project staff will publish a periodic newsletter, for people within the court system, containing useful information such as personnel changes in the courts, notice of changes in statutes and court rules, description of ongoing administrative projects, etc.

132. It is hoped that this general expansion of court administrative resources will do much to help develop a systematic and coordinated approach to problems within the state court system and to aid the Supreme Judicial Court and the office of the Executive Secretary in the supervision of the system.

133. In July, 1971, an Office of Administration was set up as an adjunct to the Office of the Chief Justice of the District Courts. It is presently staffed by three persons, and has as twin objectives assisting the Chief Justice in accomplishing his many administrative duties and developing plans and short- and long-range projects that will contribute toward improving the administration and development of the District Courts.

134. In the area of information needs the office has instituted daily reporting requirements on the sittings of all District Court



judges; developed uniform reporting requirements for the juries of six in the District Courts in order to closely monitor any "backlog" situations that might develop; and cooperated with the Governor's Committee on Law Enforcement and the Administration of Criminal Justice to develop computerized techniques for gathering current data on the flow of criminal business in the District Courts.

135. It has also begun an examination into possible alternatives for preserving testimony in District Court proceedings, and planned and begun executing an ongoing program of District Court Judicial Conferences. The office expects to carry on with these and other projects in the future. It also expects to assist the Chief Justice in drawing up a comprehensive plan for improving the structure and administration of the District Courts.

### PHYSICAL FACILITIES

136. The responses to the project staff letter overwhelmingly reaffirmed the well-known need for improved court house facilities. The letters merely restated what prior reports of the Executive Secretary have dwelt upon, the unbelievable inadequacies of many of the present structures. Various courts and related agencies are in constant conflict with one another in seeking space. Court house security is frequently inadequate or nonexistent. Crowded offices hinder the efficient operation of even routine processes, and shabby surroundings detract from the dignity of the courts. It is inconceivable that these facilities will be able to accommodate future caseloads.

137. Because the problem is so acute, the project staff submitted for consideration by L. E. A. A. a draft proposal for a state-wide court facilities study. The study, as proposed, is comprehensive insofar as facilities planning touches upon questions involving present and probable future territorial and organizational changes in the Massachusetts court system. It would be conducted under the auspices of the Supreme Judicial Court which has the statutory and inherent responsibility for administering the entire judicial system.

138. The draft proposal recommends the creation of an "Advisory Commission on the Needs of the Judiciary" which would make recommendations regarding priorities and approach, be employed to support recommendations approved by the Supreme Judicial Court, and serve as liaison among the judiciary, the bar, and the Legislature. The Commission, made up of approximately 30 members, would be prestigious, knowledgeable and representative. It would be provided with a full-time director and a small staff.

139. The office of the Executive Secretary with the aid and advice of the Commission would have primary responsibility for developing a comprehensive plan for the organization of the state judicial system with a view toward its more efficient operation. Initially a complete inventory would be done with the help of professional consultants who would develop an architectural system which could be applied generally as a valid uniform measure of the need for court facilities throughout the state. Consideration would be given to the availability of other facilities for court use; and, where necessary, recommendations would be made for the more efficient use of presently available facilities and for renovations repairs and construction to meet present and reasonably anticipated future needs. Furthermore, the facilities study would provide a vehicle for expanding into studies of such general areas as financing and jurisdictional reorganization.

140. Whether a facilities study will be undertaken and the scope of such study depends upon the amount of funding made available for that purpose. With present funds, it will only be possible to compile a somewhat superficial updated inventory of existing court facilities and to make some rough estimates as to facility needs in the Commonwealth.

#### BARNSTABLE COUNTY

141. Renovations on the superior court house in Barnstable should be completed in the fall of 1972, at which time additional space will be available for crowded employees. The layout of the building will also be improved so as to provide improved access to areas used by the public, juries, defendants and court personnel.

142. The new building for the First District Court of Barnstable has been completed and was occupied in September, 1971. This new court house as well as the one at Orleans for the Second District Court of Barnstable, which began operations in November of 1970, were visited by representatives of the Executive Secretary's office. Both buildings are extremely attractive in exterior and interior appearance and provide modern facilities for the entire Cape.

#### BERKSHIRE COUNTY

143. The new addition to the district court and registry of deeds building in Pittsfield is expected to be completed by the summer of 1973. It will provide an extra courtroom, ten to twelve offices, and enlarged facilities for the clerk of court and the probation office, but it may leave less room for filing of papers and records and no room for future expansion.



144. No progress appears to have been made in the improvement of court house facilities anywhere else in the county. Reports from Williamstown, Adams, and North Adams all indicate inadequate quarters.

#### BRISTOL COUNTY

145. The poor conditions at Fall River, New Bedford and Taunton continue to worsen. The existing structures are all old and inadequate in themselves to house properly the functions of the clerks and probation officers. None of the buildings is large enough or in good enough condition to meet the needs of a central court house.

146. The Legislature has taken some action. St. 1971, c. 1068, establishes the Bristol county court house board to make a study of improving the present facilities in Fall River, New Bedford, and Taunton by means of an addition to the existing superior court house buildings. The board is also to make a study as to construction of a centralized court house at a site to be selected by the board, which is to report to the Legislature by May of 1972.

147. With the expansion of the district court house in Attleboro, the clerk's office, the probation office and the judge's chambers contain substantially more working space. St. 1972, c. 17, signed into law on February 10, authorizes construction of an addition to the parking area of the Attleboro court and provides for furnishings and equipment for the court.

148. Under the provisions of St. 1970, c. 482, the county commissioners utilized approximately \$70,000 of a \$100,000 bond issue for the repair and renovation of the district court in Fall River.

149. The quarters of the Taunton and New Bedford district courts are reported to be entirely inadequate.

#### DUKES COUNTY

150. The county court house at Edgartown with a single courtroom shared by the superior, probate and district court still provides attractive but limited space for court operations. The county commissioners, however, have been discussing an addition for the future which will take into consideration the needs of all of these courts.

#### ESSEX COUNTY

151. The project for a much-needed centrally located court house in Essex county has come to a halt. A bill for the court house

was passed by both the House and Senate, but then was recalled by the Senate and killed. Subsequently a second bill was pocket vetoed. A new bill was filed for consideration during the 1972 legislative session, but an adverse report was accepted on February 22.

152. Present court house facilities in Lawrence, Salem and Newburyport are in a deplorable condition. The Lawrence and Salem facilities were constructed in the middle of the last century, and the Newburyport structure is even older.

153. The Legislature has authorized the expenditure of \$300,000 for the purpose of repairing, altering, and renovating the Lawrence Superior Court House. St. 1970, c. 226. The work is now underway and is expected to be completed on October 1, 1972. Legislation has been filed for the renovation of the court houses in Salem and Newburyport.

154. The Lynn district court has a new \$2.2 million court house which was occupied on January 31, 1972.

155. The district court in Amesbury is a rented town-owned building that provides insufficient space. Usable space is also severely restricted in Newburyport and Ipswich district courts. In these courts, the situation is so bad that the interviews with juveniles must be held in the corridors without any privacy.

156. Legislation has been filed for a new district court house in Peabody, which now has rented court premises over 50 years old and overcrowded. Ground was broken on March 20, 1972, for a new combination police station and district court building in Gloucester.

#### FRANKLIN COUNTY

157. There appear to be no future plans for any major changes in the court house facilities of Franklin County. The probate court in Greenfield has been seeking, unsuccessfully, to obtain courtroom air-conditioning for summer afternoon sessions. The county commissioners have favored this but the Legislature has not concurred.

158. It is reported that the district court at Greenfield has outgrown the available quarters.

#### HAMPDEN COUNTY

159. St. 1971, c. 1112, authorizes the county commissioners of Hampden County to construct a new building with facilities for the courts and various county departments and to renovate the existing superior court building. The new Springfield facilities will be for the superior court, the district court of Springfield, the probate court,



the registry of deeds, the registry of probate and various county departments. The new building is to be on land bounded by State Street, East Columbus Avenue, State Street and Court House Place and on additional land to be acquired by the county. The existing superior court building will be renovated for use by the juvenile court of Springfield or other county purposes. The county treasurer is authorized to borrow up to \$15 million for this project.

160. The county commissioners expect to award the building contract early in 1973, with an expected completion date of December, 1974.

161. The district court at Palmer is reported to need almost double the space it presently has available. The Chicopee district court needs more space and a fireproof vault for record storage.

#### HAMPSHIRE COUNTY

162. The Hampshire county commissioners have been directed to have plans and specifications prepared for the renovation and construction of additions to the court house in Northampton. St. 1971, c. 846. They recently presented a late filed bill to authorize expenditure of \$3,300,000 to renovate the present court house, the hall of records, and to acquire and renovate property on King Street. It is expected that at least three years will be required to carry out the planned reconstruction and moving of departments as soon as the renovations are completed.

163. Patching up of the present dilapidated facilities is a poor substitute for a new court house complex but is better than no progress at all.

164. The district courts of both Northampton and Ware are reported to have severe space problems.

#### MIDDLESEX COUNTY

165. There is still more litigation than construction to be seen with regard to the East Cambridge court house complex. The prime contractor, which halted work in 1970, is now claiming more than \$10 million in damages from the county in a dispute which may last until early 1973 when arbitration is expected. The county, on the other hand, is pressing a \$32 million claim against the contractor.

166. In January of 1972, the county commissioners were finally authorized by St. 1972, c. 4, to borrow the last \$17.5 million which is said to be needed to finish the approximately \$65 million complex, which was begun in 1963 at an estimated cost of \$16

million. The bond authorization contains a provision for a project ombudsman and calls for the establishment of a three man Middlesex county court house board whose approval is required before any change in the building's plans may be made.

167. There is little to say at the present time concerning this fiasco, other than that until the new complex is completed courts in Middlesex county will continue to struggle along with the present inadequate facilities.

168. The Malden district court was granted \$500,000, under St. 1970, c. 739, for repairs and alteration, which is said to be an insufficient amount to assist materially in the efficient operation of the court. Twenty-six thousand dollars worth of repair work has been completed. Proposed work consisting of interior reconstruction including the heating system, the clerk's office, probation office, the switchboard reception area, and courtroom and detention facilities will cost an estimated \$350,000. Advertisements for bids on this work have issued.

169. The expected completion date for Concord's new district court house is June, 1972. Construction on the project reportedly proceeded very well.

170. Additions and alterations to the Lowell district court are continuing.

#### NANTUCKET COUNTY

171. This office has received no complaints from Nantucket county which acquired new court facilities in 1966.

#### NORFOLK COUNTY

172. No action has been taken on last year's completed study of the physical requirements of the courts in Dedham. The study recommended construction of a new superior court building with use of the old building for expanded activities of the probate and district courts. Unfortunately, legislative action for the financing of this essential project is still not forthcoming.

173. A bill authorizing the county commissioners to borrow up to \$8 million for carrying out the project has been filed for 1972. Further delay will simply add to the expense of the construction as building costs escalate each year.

174. The Dedham district court reports that the need for additional space is critical.

175. The new Quincy district court building was occupied on April 18, 1972.



## PLYMOUTH COUNTY

176. Construction work, begun in May, 1971, is nearing completion on the old court house in Brockton. The project will provide two probate courtrooms, four superior courtrooms, a special jury-pool room, and new facilities for the housing of prisoners awaiting trial. Existing courtrooms and offices have been refurbished and in many instances equipped with new furniture. Also an elevator has been installed in the building. It is expected that sessions of the superior court will be held in the new quarters in May, 1972.

177. Congestion in the office of the clerk of the superior court in the Plymouth court house will be somewhat relieved by the moving of the county treasurer's office from the court house into the county commissioners' building which is being renovated.

178. The county commissioners have again filed a bill to provide funds for building a connecting link between the superior court house in Plymouth and the commissioners' building. A bill has also been filed for construction of an addition to the registry of deeds and Plymouth probate court. In conjunction with the building program in Plymouth, the county commissioners are seeking authority to purchase land to provide parking space.

179. The probate court has for the last two years been operating at the new district court house in Brockton. It is expected that the court will soon return to the old district court building on Belmont Street.

180. The district courts in Plymouth, Hingham, and Wareham report severe overcrowding. Bills have been filed for construction of new buildings in Wareham and Hingham.

## SUFFOLK COUNTY

181. The sorry state of the Suffolk county court house has been mentioned many times in prior reports of the Executive Secretary. No action has been taken on the 1970 report, submitted by a consulting firm, which recommended construction to meet the needs of the courts in the area.

182. The facilities in parts of the old Suffolk county court house are a disgrace. They constitute an affront not only to the people who must work there but also to the public. This is especially true with respect to the Land Court and the Boston Juvenile Court.

183. St. 1971, c. 742, established a commission to develop plans for additional court house facilities. The commission consists

of the Chief Justice of the Superior Court or his designee and two persons to be appointed by the Governor. One and one-half million dollars have been appropriated for this purpose.

184. Also, the Boston Public Facilities Department has engaged a corporation of consulting engineers to survey the old Suffolk county court house for possible renovation. Plans are now being developed.

185. Creating of the Housing Court of the City of Boston by St. 1971, c. 843 (G. L. c. 185A) has created further space problems in the court house. Space must quickly be found for a courtroom, a judge's lobby, and for clerical help and other personnel. It appears that the old domestic relations courtroom of the Boston Municipal Court and an adjoining locker room may be taken for this purpose. This will severely inconvenience the clerk of the criminal side of the Boston Municipal Court. In the years to come, the search for space in the Suffolk county court house will continue to intensify although the present situation is nearly intolerable.

186. The Roxbury District Court has a new court house which has solved their former problem of inadequate space. A representative of this office has visited the new building and reports that it should do much to improve the functioning of that court.

187. The district courts in West Roxbury, Chelsea, and Charlestown report serious inadequacies in their facilities. The Chelsea facilities, in particular, are dilapidated and should be replaced.

188. The court in East Boston has a lack of parking space and needs air-conditioning for summer sessions.

#### WORCESTER COUNTY

189. The superior court in Worcester has no reported problems with regard to the fine central facilities available in that city. The probate court, however, complains of inadequate fireproof vault space to house their records.

190. The Central District Court of Worcester reports that when work on their facilities was completed in 1956 accommodations were ample, but with the increased caseload over the years, the quarters have become extremely overcrowded. The district courts in Gardner and Winchendon have similar problems.

191. The facilities of the Fitchburg district court are reported to be completely inadequate. The court is located on the second floor over a police station. The courtroom is too small and there is no juvenile courtroom so that all juvenile sessions are held in the judge's chambers. All offices are wholly inadequate.



192. Under construction and to be completed in April of 1972 are new district court houses in Clinton and Dudley. The new district court house at Westboro, on the grounds of the Lyman School, has been completed.

193. A bill has been filed to construct a Juvenile Court in the city of Worcester to house the Worcester Juvenile Court, which was created in 1969.

### LIBRARIES

194. It is axiomatic that no legal system can function unless courts and attorneys and the public have ready access to the tools necessary for ascertaining the law. In recognition of this obvious need the county law library system was established, making legal materials available to courts and to attorneys in various branches of government service, as well as providing private practitioners with the materials necessary for the effective practice of law.

195. Recently, in spite of the work of the county law librarians, ever increasing demands on limited resources have exposed serious shortcomings in the collections and facilities of a number of county law libraries.

196. Various factors have made it difficult for many county law libraries to maintain adequate collections. The proliferation of case and statutory law, with the rising cost of law books, has made keeping materials up to date more expensive. The increasing complexity of the law has led to a corresponding need for new publications and materials to aid in understanding and applying new developments. The encroachment of Federal law into ever widening areas of every day life, as well as the growing role of administrative agencies, requires the availability of new legal tools. As a result, collections that were adequate a number of years ago no longer meet the needs of courts, attorneys, and the public.

197. The services provided by county law libraries have also been limited by lack of adequate physical facilities. Even a good collection is of little use if it is not readily available for study. In some counties, the law libraries are too small to ensure adequate shelving of law books and to provide sufficient work space for their use. In some a substantial number of obsolete or unnecessary books clutter valuable shelf space and interfere with the use of current material. In others, use of the library by attorneys as a conference room undermines its usefulness for legal research.

198. The uneven resources of various county law libraries not only hamper courts and attorneys in their work, but also result in



making the quality of legal services available to the public and the scholarship of the bar dependent upon geographic accident. This situation should not be permitted to continue. There should be established uniform standards for all the county law libraries. Such standards would enable librarians to appraise the collections and facilities of their libraries and to undertake any action necessary to remedy substandard conditions.

199. The Librarian of the Social Law Library, working with this office and the Library Committee of the Justices of the Superior Court, has undertaken a general review of the holdings and physical facilities of these libraries. When this project has been completed a set of standards will be issued for the guidance of the county library committees and their librarians.

## COMMENTS ON THE VARIOUS COURTS

### SUPREME JUDICIAL COURT

200. The vacancy created by the retirement on July 1, 1971, of Associate Justice John V. Spalding was filled by the appointment of Edward F. Hennessey, Associate Justice of the Superior Court. Judge Hennessey was sworn in on July 26, 1971.

201. With a background of active trial practice, legal writing, and four and one-half years experience as a trial judge, Judge Hennessey has at once established himself as a wise and productive member of the court.

202. Judge Spalding has responded to the call of the justices by sitting regularly as a master in post-conviction cases and on other assignments. His contribution has been particularly valuable in providing relief to the court in its single justice work.

203. In September, 1971, Miss Ruth Abrams was appointed by the court as Special Counsel to the Justices. Miss Abrams had served as an Assistant District Attorney in Middlesex county and later as an Assistant Attorney General.

204. As the records and briefs on appeal are filed with the Clerk Miss Abrams examines the papers and prepares for the justices a detailed digest of the facts and the legal issues presented, together with the significant authorities. Prior to the monthly sitting of the court for arguments the digests are distributed to the justices.

205. Since fifty cases are normally assigned for argument at each sitting and since many records and briefs are voluminous, the justices have been unable to study all of the papers on appeal before

listening to the arguments of counsel. By the use of Miss Abrams' digests each sitting justice is able to have prior knowledge of the facts, the issues, and the contentions of the parties and he need not rely upon counsel to present a complete and accurate statement of the case in oral argument.

206. In order to devote adequate time for argument of difficult cases and to keep the hours devoted to arguments within reasonable limits the court has in some cases allowed fifteen minutes to a side instead of the usual thirty minutes.

207. In addition to its heavy case load in the full bench and single justice sittings of the court the full court sat for ten days on hearings on the information relating to the two justices of the Superior Court. Consideration of preliminary questions and of the lengthy transcript of the proceedings and the writing of two opinions took a great deal of the court's time.

208. Also the court was called upon to review exceptionally long records in the decision of the small loans and telephone rate cases.

209. The Rules of the Supreme Judicial Court — 1967 — have been further amended as follows:

1. S. J. C. Rule 3:21 Uniform Certification of Questions of Law. — by adding new rule for certification of questions of law by Federal courts and highest appellate courts of sister states. Effective November 1, 1971.

2. S. J. C. Rule 3:04 Form of Trustee Writ. — by increasing wage exemption from \$80 to \$100 and pension exemption from \$40 to \$75 as required by St. 1971, c. 475. Effective January 1, 1972.

3. S. J. C. Rule 2:35 A Special Masters and Commissioners. — by adding new rule on the designation of special masters and commissioners. Effective March 30, 1972.

4. S. J. C. Rule 2:50 A Writs of Error: In Post-Conviction and other Criminal Matters. — by adding new rule on procedure before special master or commissioner. Effective March 30, 1972.

5. S. J. C. Rule 2:53 A Allocation of Expenses. — by adding new rule on allocation of expenses to county of origin. Effective March 30, 1972.

6. S. J. C. Rule 1:06 Exhibits. — by a new paragraph (5) as to non-transmission of certain exhibits. Effective April 20, 1972.

7. S. J. C. Rule 3:02 Administration of Justice. — by revising paragraph (1) to include special judge of probate and by adding paragraph (4) to restrict partner or employee of district court justices and clerks in practice of law.



210. There was a slight increase in the number of days required for the disposition of appeals from entry in the clerk's office to consideration by the court (the day of argument or submission on briefs), and from consideration to decision by the court:

	<i>Average Days from E to C</i>	<i>Average Days from C to D</i>	<i>Average Days from E to D</i>
1970 .....	147.31	55.35	202.66
1971 .....	148.21	58.42	206.63

211. The steadily rising number of appeals has necessarily involved corresponding delay in reaching cases for argument in the full court. Until this trend is reversed, there is no practical method of reducing the waiting period involved in terminating appellate review.

#### SUPERIOR COURT

212. Six vacancies have occurred on the Superior Court bench. The most recent was caused by the death of Justice Eugene A. Hudson after more than twenty-six years of distinguished service.

213. The vacancies occasioned by the retirements of Justice Donald M. Macaulay and Justice John M. Noonan, and by the appointment of Justice Edward F. Hennessey as an Associate Justice of the Supreme Judicial Court, were filled by the appointments of John F. Moriarty, Esquire, of Holyoke, Herbert F. Travers, Jr., Esquire, of Holden, and Paul A. Tamburello, Esquire, of Pittsfield. All three new judges have excellent qualifications based upon their experience of active trial practice and their thorough knowledge of the law.

214. The other two vacancies were caused by the resignation of Justice Levin H. Campbell, to accept appointment as a judge of the District Court of the United States for the District of Massachusetts, and by the resignation of Justice Edward J. DeSaulnier, Jr.

215. The plight of the Superior Court has been discussed at length in the earlier section of this report under the heading of Delay in Court. When it becomes necessary for the Chief Justice to shut down all civil jury sessions in a large county in order to meet the demands for criminal trials, the situation is more than a crisis, it is a breakdown of the judicial system.

216. Yet this is occurring. If the food industry announced that the consumer could have milk but that he would have to wait indefinitely before he could have bread, there would be a storm of indignation that would soon be resounding in the legislative halls.



It is hard to understand how there can be such apathy when the supply of an essential commodity, justice between civil litigants, is cut off.

217. The reports of this office have dwelt constantly on the need for enlargement of the superior court bench and for improvement in its working conditions. Once again the message is repeated in the hope that at long last there will be a response.

218. Progress continues in the application of modern techniques to the management of the court's business. With the cooperation of the city of Boston computer center many phases of jury management are now automated in Suffolk county.

### LAND COURT

219. With the appointment of William I. Randall, Esquire, of Framingham to succeed the late Judge Elwood H. Hettrick, the court is back at full strength with three judges. No action has been taken yet on a bill that would add a fourth judge.

220. Steps have been taken to clean and paint some of the dingy rooms in the old building but much renovating remains to be done. The court will continue to be handicapped by lack of proper record storage facilities and by primitive conveniences for court personnel and the public.

221. Judge Randall has been visiting the various Registries of Deeds to establish better communication with the "branch offices" of the Land Court. Seminars are planned for the Registers who act as Assistant Recorders of the court and a training program for the staff is in progress with weekly lectures by the Chief Title Examiner.

222. Total cases entered rose from 5,155 in 1970 to 5,229 in 1971. Total cases disposed of also increased in the same years from 4,105 to 4,252.

### PROBATE COURTS

223. After the retirement of Judge John V. Mahoney of the Suffolk Probate Court Mary C. Fitzpatrick, Esquire, of Boston was appointed. The special judge of probate for Hampshire county, Judge Arthur W. Cook, has retired, and the vacancy filled by the appointment of Gerald D. McLellan, Esquire, of Holyoke.

224. The office of judge of probate for Nantucket has been made full-time. St. 1971, c. 680. Judge Jeremiah J. Sullivan thus has become available for full-time service upon assignment by the Chief Judge.

225. Chief Judge Costello's report for the calendar year 1970 adds figures for that year to the 1960 and 1969 statistics previously supplied. For nine counties the figures are:

#### PETITIONS FOR ADOPTION

	Berkshire	Bristol	Essex	Hampden	Middlesex	Norfolk	Plymouth	Suffolk	Worcester
1960	76	116	256	195	628	285	118	449	282
1969	97	306	458	390	1,204	514	355	494	316
1970	104	224	495	428	1,271	520	342	526	428

#### LIBELS FOR DIVORCE

	Berkshire	Bristol	Essex	Hampden	Middlesex	Norfolk	Plymouth	Suffolk	Worcester
1960	239	659	658	1,048	1,644	595	476	1,611	866
1969	478	1,382	1,441	1,835	3,695	1,399	1,184	2,149	2,081
1970	499	1,471	1,591	1,958	4,123	1,495	1,241	2,514	2,230
1960	8,237 Total libels for divorce filed in all fourteen Counties.								
1969	16,692								
1970	18,290								

226. Most counties continue to show increases in the equity work of the probate courts under the provisions of G. L. c. 215, § 6.

#### PETITIONS IN EQUITY

	Berkshire	Bristol	Essex	Hampden	Middlesex	Norfolk	Plymouth	Suffolk	Worcester
1960	23	18	25	47	69	52	24	95	53
1969	34	36	124	91	189	129	59	263	77
1970	35	57	112	127	229	118	82	161	96

For all counties the total rose from 1,081 in 1969 to 1,118 in 1970.

227. In 1960 all probate courts collected a total of fees of \$622,137.68; in 1969, \$1,061,324.71; in 1970, \$1,098,703.73. The entry fee for a libel for divorce or for affirming or annulling marriage was increased from \$15 to \$25, and other probate fees have been increased. St. 1971, c. 267, and c. 880, § 3. The judges of probate adopted a new rule 41 A Waiver of Fees and other Provisions and Expenses for Indigent Litigants.

228. In 1969 probate judges sat in courts other than their own upon assignment of the Chief Judge a total of 244 days; in 1970, 290 days. The special judge sat 163 days in the four western counties in 1969; 121 days in 1970.

#### DISTRICT COURTS

229. The structure of the district courts and the attendant difficulty of administering seventy-two largely independent operating units present problems for which Chief Justice Flaschner and his administrative staff are seeking solutions. Without effective control over the fiscal and personnel arrangements in the system the office of the Chief Justice is severely handicapped.



230. The part-time Gloucester court has been made full-time. St. 1971, c. 863. A second full-time justice has been added to the Framingham court. St. 1971, c. 1090.

231. Through educational seminars and materials prepared by the office of the Chief Justice the judges of the district courts are being kept up to date in the developments of the criminal law, of the new mental health code, and of the new drug and alcohol legislation.

232. Proposals for legislation that would provide for the gradual elimination of the office of special justice are still under consideration by the Legislature. Some statutory change that would move the system nearer to the ideal of a full-time judiciary is needed.

233. There is also a proposal for reducing the incidence of trial de novo of criminal cases in the superior court. Doubt is felt by some as to the wisdom of this measure but there is a respectable body of opinion favoring it. Before any substantial change is made, the district courts will have to be supplied with the resources to operate jury sessions on a large scale.

234. The increase in the volume of criminal cases begun in the district courts continued but at a slower rate than in the previous year. In 1970 there were 724,254 criminal cases begun; in 1971, 740,684, an increase of 16,430.

235. In the thirteenth report of this office the amount of money received by the district courts in the categories of reciprocal support, other support payments, traffic (pay by mail), fines, entry and other fees, and removals and other moneys was stated for 1969 in a total of \$15,637,449. The figures for 1970 and 1971 have not yet been compiled but it is safe to estimate that for 1971 the total would approach \$19,000,000.

#### THE MUNICIPAL COURT OF THE CITY OF BOSTON

236. The court's civil entries, after deducting cases removed to the superior court and adding those transferred from the superior court, increased from 28,719 in 1970 to 29,883 in 1971. The major increase was in original entries, with removals up somewhat and transfers down.

237. The court has adopted a new form of reporting its criminal statistics in order to isolate all parking law violations from the general criminal business of the court. A comparison of the figures for the years 1970 and 1971 is, therefore, difficult.

238. The statistics for general criminal business appear to show a decrease from 20,368 in 1970 to 16,434 in 1971.



239. The court turned over to the Commonwealth and to the City of Boston receipts from the parking tag office and from fines, fees, and forfeitures a total of \$3,015,504. The previous year the sum was \$2,978,759.

## JUVENILE COURTS

### BOSTON JUVENILE COURT

240. The volume of cases declined from 2,179 in 1970 to 2,167 in 1971. The work of the court, however, continued to be heavy, for the most part requiring multiple sessions. Shortage of attorneys from the Massachusetts Defenders Committee has interfered with the efficient dispatch of the court's business.

241. Although narcotics cases decreased in number, from 112 to 109, the drug problem is of continuing concern to the court. A table of narcotics cases follows:

		1970		1971	
Possession	Boys	81		64	
	Girls	6	87	16	80
		---		---	
Being present	Boys	15		14	
	Girls	5	20	5	19
		---		---	
Illegal sales	Boys	3		5	
	Girls	2	5	1	6
		---		---	
Glue sniffing	Boys	0		4	
	Girls	0	0	—	4
		---		---	
Totals			112		109

242. The staff of the probation department has been enlarged from twenty-two to twenty-five. The Blue Hills residential treatment center will commence this summer to furnish twenty-four hour a day psychiatric, educational and social services to 40-50 children.

### SPRINGFIELD JUVENILE COURT

243. The statistical reports of the three juvenile courts, appearing at the end of this report, have been put upon a uniform basis for better comparison.

244. The Springfield court handled a substantially larger number of juveniles: 1,360 in 1970 and 1,802 in 1971. A second court officer has been added to the staff.

## WORCESTER JUVENILE COURT

245. In 1970 the Worcester court reported 1,457 juvenile cases; in 1971, 1,544. A second court officer has been added to the staff.

## HOUSING COURT OF THE CITY OF BOSTON

246. In this and earlier reports the opinion has been expressed that it is a mistake to create a separate and independent housing court. However, this criticism has not been directed at the new judge, Paul G. Garrity, who is now actively engaged in staffing the court and in seeking suitable quarters for its operation.

247. The office of the Executive Secretary has worked with Judge Garrity in an attempt to meet his needs. With a fresh start the personnel of the new court will have the advantage of creating a modern, business-like structure without some of the antiquated procedures which the older courts have inherited.

## CONCLUSION

248. There have been some encouraging signs of public awakening to the problems of the courts. The Massachusetts League of Women Voters' study of the courts has already produced and widely circulated excellent materials on the structure of the system and on its problems. The recent Citizens' Conference on the Courts will, if the initiative generated by its sessions is sustained, provide a continuing body of interested citizens able to support the measures which are needed in order to improve the courts.

249. The Joint Special Committee (legislative) on Reform of the Judicial System has been conducting through its professional staff a thorough study of the courts and should produce in its reports valuable recommendations for improvements in the court system.

250. With the support of the staff of the Massachusetts Court Management Survey the usefulness of the office of the Executive Secretary to the Supreme Judicial Court, to the other courts, to the executive and legislative branches of government, and to the public has been enhanced. The office has continued to enjoy the cooperation of the judges and other officers of the various courts and of the members of the executive and legislative departments.

251. The writer accepts full responsibility for the opinions and the recommendations expressed in this report and for them the court is not responsible.

Respectfully submitted,

RICHARD D. GEROULD

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## FORWARD TO APPENDICES

The gross cost of operating all courts in both state and county as appears in Appendix I reflects an increase of \$5,239,000, and the net expenditure increased by \$6,758,000, a substantial increase over previous year.

Again the counties bore the major portion of the increase in gross cost. The gross cost to the Commonwealth increased from \$8,762,538 to \$9,414,296, an increase of \$651,758 or about 7%. County costs increased \$4,587,008, about 9%.

There is no change in the cost reporting method used.

Capital costs of new court house construction or major capital improvements involving a bond issue are not reflected. Only interest charges on bonded indebtedness are included.

## COST TOTALS: 1957-1971

*(Thousands)*

	<i>Gross</i>	<i>Net</i>
1957 .....	\$ 15,486	\$ 13,204
1958 .....	17,312	14,628
1959 .....	18,507	15,747
1960 .....	18,847	16,162
1961 .....	19,711	16,880
1962 .....	21,343	18,118
1963 .....	22,120	17,955
1964 .....	23,930	19,600
1965 .....	26,494	21,968
1966 .....	26,960	21,541
1967 .....	30,148	23,623
1968 .....	34,536	28,387
1969 .....	37,792	30,698
1970 .....	43,599	33,979
1971 .....	48,837	40,737

## APPENDIX I

## COMPUTATIONS OF THE COSTS OF OPERATING THE COURTS

The cost of administering and operating the various courts of the Commonwealth was determined by the following sources of information:

1. Public Document No. 29 (Annual Report on the statistics of county finances for the year ending December 31, 1970, Bureau of Accounts, Department of Corporations and Taxation).

2. House Bill 5091, 1971 Session (estimates of county receipts and expenditures for the year ending December 31, 1971).

3. Budget Recommendation of his Excellency, Governor Francis J. Sargent, for the fiscal year beginning July 1, 1971, and ending June 30, 1972.

4. Financial Report of the Comptroller of the Commonwealth for the fiscal year ending June 30, 1971. (Public Document No. 140).

5. City of Boston and County of Suffolk Budget Recommendations for the fiscal year 1971.

6. Summary of receipts and expenditures for the fiscal year ending December 31, 1970, developed from the records of the Auditing Department, City of Boston.

7. Records of Real Property Division of the City of Boston (material developed by personal contact and conference).

8. Records of County Commissioners and Treasurers examined.

SUMMARY OF COSTS OF ADMINISTERING AND OPERATING ALL  
COURTS IN THE COMMONWEALTH OF MASSACHUSETTS

	<i>Gross</i>	<i>Net</i>
Commonwealth of Massachusetts .....	\$ 9,414,296.36	\$ 8,276,402.98
Barnstable .....	756,617.33	637,263.16
Berkshire .....	612,735.58	478,334.17
Bristol .....	1,775,172.84	1,483,219.87
Dukes County .....	85,856.66	77,117.58
Essex .....	2,820,474.46	2,440,124.36
Franklin .....	284,758.19	212,697.99
Hampden .....	2,382,470.81	1,973,078.25
Hampshire .....	471,319.97	393,091.87
Middlesex .....	9,281,455.65	8,383,975.39
Nantucket .....	50,849.70	46,563.13
Norfolk .....	2,795,036.28	2,386,236.54
Plymouth .....	1,816,954.20	1,492,484.64
Suffolk .....	12,827,568.04	8,826,718.85
Worcester .....	3,461,725.39	3,047,020.60
Commitments <sup>o</sup> .....		582,736.11
Total .....	\$48,837,291.46	\$40,737,065.49

<sup>o</sup>(Total shown does not include Suffolk County. Some of the expense attendant to commitments is a proper court expense, but to determine the actual judicial cost would require an examination of each and every voucher submitted for payment to the county treasurers in connection with commitments.)

NOTE: Commonwealth figures are for fiscal year ending June 30, 1971.

County figures are for calendar year 1970.



## NET COST OF COURTS PAID BY THE COMMONWEALTH

(For Fiscal Year Ending June 30, 1971)

	Gross	Net
Supreme Judicial Court .....	\$1,803,048.82	\$1,801,021.06
Superior Court .....	1,869,640.55	1,869,640.55
Probate and Insolvency Courts .....	2,898,663.12	1,921,393.17
Land Court .....	655,202.90	569,265.80
District Courts — Administration .....	34,000.00	34,000.00
Board of Bar Examiners .....	79,328.02	39,484.02
Pensions (Retired Judges) .....	280,035.00	280,035.00
Judicial Council .....	22,490.00	22,490.00
Probation Service .....	1,430,887.95	1,398,073.38
Suffolk County Courthouse Maintenance (Acts 1935, c. 474) .....	341,000.00	341,000.00
GRAND TOTAL .....	\$9,414,296.36	\$8,276,402.98

\* (\$1,095,173.70 of this item was expended for Massachusetts Defenders Committee.)

## SUPREME JUDICIAL COURT

Justices' Salaries and Expenses .....	\$ 240,800.00
Clerk and Assistant Clerk — Salaries .....	47,543.88
Clerical Assistance to Clerk .....	19,398.90
Clerical Assistance to Justices .....	195,291.90
Court Expenses .....	20,100.00
Court Officers and Messenger — Salaries .....	13,757.88
Clerk and Assistant Clerk for Suffolk County — Salaries .....	13,238.52
Social Law Library .....	12,000.00
Office of the Executive Secretary .....	85,046.52
Reporter of Decisions — Salaries and Administration .....	60,697.52
Massachusetts Defenders Committee .....	1,095,173.70
Total (Gross) .....	1,803,048.82
Less — Receipts .....	—2,027.76
Total (Net) .....	1,801,021.06

## SUPERIOR COURT

Justices' Salaries and Expenses .....	\$1,469,919.27
Assistant Clerk (Suffolk County) .....	6,780.64
Court Expenses .....	247,014.63
District Court Justices in Superior Court	
Salaries .....	78,897.20
Expenses .....	17,028.81
Special District Court Justices' Salaries (G.L.c. 212, §14E) .....	50,000.00
Total (Gross) .....	1,869,640.55
Total (Net) .....	\$1,869,640.55

## PROBATE AND INSOLVENCY COURTS

Judges' Salaries (Additionalittings) .....	\$ 20,000.00
Judges' Expenses .....	2,000.00
Reimbursement for Official Bonds .....	8,000.00
Administration .....	30,900.00
Total .....	53,700.00

*Salaries and Expenses*

BARNSTABLE .....	94,393.40
BERKSHIRE .....	91,676.99
BRISTOL .....	186,606.47
DUKES .....	22,708.72
ESSEX .....	252,152.35
FRANKLIN .....	72,689.40
HAMPDEN .....	235,016.71
HAMPSHIRE .....	80,490.84
MIDDLESEX .....	523,755.29
NANTUCKET .....	23,573.40
NORFOLK .....	289,821.34
PLYMOUTH .....	175,690.85
SUFFOLK .....	611,192.00
WORCESTER .....	238,895.36
Total (Gross) .....	2,898,663.12
Less — Receipts .....	—977,269.95
TOTAL (NET) .....	\$1,921,393.17

## LAND COURT

Administration .....	\$ 665,202.90
Less — Receipts .....	—95,937.10
TOTAL (NET) .....	\$ 569,265.80

## DISTRICT COURTS

Administration .....	\$ 34,000.00
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## BOARD OF BAR EXAMINERS

Administration .....	\$ 79,328.02
Less — Receipts .....	—39,844.00
TOTAL (NET) .....	\$ 39,484.02

## PENSIONS

Retired Judges .....	\$ 280,035.00
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## JUDICIAL COUNCIL

Administration .....	\$ 22,490.00
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## PROBATION SERVICE

Office of Commissioner of Probation	
Salaries and Administrative Expenses .....	\$ 591,537.61
Committee on Probation	
Administrative Expenses .....	1,150.00

Superior Court*	592,687.61
-----------------	------------

Probation Officers' Salaries .....	820,465.47
Office — Supervisor of Probation .....	17,734.87

838,200.34

Total (Gross) .....	1,430,887.95
Less — Receipts .....	—32,814.57

TOTAL (NET) .....	\$1,398,073.38
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\* (By Acts of 1956, c. 731, §29, Compensation of Probation Officers appointed for the Superior Court is paid by the Commonwealth.)

## SUFFOLK COUNTY COURT HOUSE

## Maintenance

(Acts of 1935, c. 474) ..... \$ 341,000.00

## SUFFOLK COUNTY

## SUMMARY OF COURT EXPENDITURES

	Gross	Net
Supreme Judicial Court .....	\$ 259,077.52	\$ 256,114.28
Superior Court .....	4,644,275.19	4,518,725.54
Probate and Insolvency Court .....	160,496.73	160,488.73
Municipal Court of the City of Boston .....	1,904,172.29	985,207.80*
Municipal Court of the Charlestown District .....	197,207.16	171,054.69
East Boston District Court .....	351,823.13	269,050.89
Municipal Court of the South Boston District .....	240,142.12	132,661.73
Municipal Court of the Dorchester District .....	701,579.76	484,548.53
Municipal Court of the Roxbury District .....	1,053,390.30	232,959.22
Municipal Court of the West Roxbury District ..	359,112.13	250,625.44
Municipal Court of the Brighton District .....	284,820.98	107,473.34
District Court of Chelsea .....	309,149.98	257,637.51
Boston Juvenile Court .....	524,728.86	524,467.18
Suffolk County Court House .....	1,451,261.02	842,733.34
Social Law Library .....	2,000.00	2,000.00
Mental Health .....	55,000.00	55,000.00
Pensions and Annuities .....	329,330.87	329,330.87
Total .....	\$12,827,568.04	\$8,826,718.85

\*(Excess Receipts over Expenditures)

## SUFFOLK COUNTY

## CITY OF BOSTON

## COUNTY COURT EXPENDITURES

## SUPREME JUDICIAL COURT

Clerk's Office for Suffolk County	\$259,077.52	
Less — Receipts	—2,963.24	
Total (Net)		\$256,114.28

## SUPERIOR COURT

General Expenses*		\$266,360.90
Salaries and Expenses		
Court Officers' Division**		829,903.40
Salaries and Expenses		
Criminal Expenses		
Clerks and Clerical		
Assistants, etc.		
Salaries and Expenses	\$577,631.89	
Jurors (Fees, etc.)	412,112.21	
Witnesses (Fees, etc.)	33,204.30	
District Attorney's Office	531,576.52	
Probation Office	201,387.40	
Total (Gross) Criminal	2,030,509.30	
Less — Receipts	—34,188.05	
Total (Net) Criminal		1,996,321.25

## SUPERIOR COURT

Civil Expenses  
Clerks and Clerical



Assistants, etc.		
Salaries and Expenses	\$1,036,864.19	
Masters	28,161.00	
Auditors	110,412.75	
Conciliators	32,790.00	
Jurors (Fees, etc.)	309,273.65	
	<hr/>	
Total (Gross) Civil	\$1,517,501.59	
Less — Receipts		—91,361.60
		<hr/>
Total (Net) Civil		\$1,426,139.99
		<hr/>
Grand Total (Net) Superior Court		\$4,518,725.54

\* (Stenographic & confidential messenger; also furnishes supplies, materials and equipment for both Civil and Criminal Sessions.)

\*\* (Deputy Sheriffs & Court Officers; salaries, expenses, etc. for Civil and Criminal Sessions.)

#### PROBATE AND INSOLVENCY COURT

General Expenses		
Salaries and Expenses	\$160,496.73	
Less — Receipts		—8.00
		<hr/>
Total (Net)		\$160,488.73

#### MUNICIPAL COURT OF THE CITY OF BOSTON

General Expenses		
Salaries and Expenses	\$1,904,172.29	
Less — Receipts		—2,889,380.09
		<hr/>
Total (Net)		—985,207.80*

\*(Excess receipts over expenditures)

#### MUNICIPAL COURT OF THE CHARLESTOWN DISTRICT

General Expenses		
Salaries and Expenses	\$197,207.16	
Maintenance*	25,360.00	
	<hr/>	
Total (Gross)	\$222,567.16	
Less — Receipts		—51,512.47
		<hr/>
Total (Net)		\$171,054.69

\*(About one-half of building is used by Police Department & Civil Defense; heating expense is paid by Police Department.)

#### EAST BOSTON DISTRICT COURT

General Expenses		
Salaries and Expenses	\$294,813.13	
Maintenance*	57,010.00	
	<hr/>	
Total (Gross)	\$351,823.13	
Less — Receipts		—82,772.24
		<hr/>
Total (Net)		\$269,050.89

\*(Building used 100% by Court; Police Department supplies heat; Operating Personnel charged to Boston Real Property Division.)

#### MUNICIPAL COURT OF THE SOUTH BOSTON DISTRICT

General Expenses		
Salaries and Expenses	\$199,969.12	
Maintenance*	40,173.00	
	<hr/>	
Total (Gross)	\$240,142.12	

Less — Receipts	<u>—107,480.39</u>	
Total (Net)		\$132,661.73

°(Court used about one-third of building.)

#### MUNICIPAL COURT OF THE DORCHESTER DISTRICT

General Expenses		
Salaries and Expenses	\$641,779.76	
Maintenance°	<u>59,800.00</u>	
Total (Gross)	\$701,579.76	
Less — Receipts	<u>—217,031.23</u>	
Total (Net)		\$484,548.53

°(Building used 100% by Court.)

#### MUNICIPAL COURT OF THE ROXBURY DISTRICT

General Expenses		
Salaries and Expenses	\$973,790.30	
Maintenance°	<u>79,600.00</u>	
Total (Gross)	\$1,053,390.30	
Less — Receipts	<u>—820,431.08</u>	
Total (Net)		\$232,959.22

°(Building used 100% by Court.)

#### MUNICIPAL COURT OF THE WEST ROXBURY DISTRICT

General Expenses		
Salaries and Expenses	\$295,212.13	
Maintenance°	<u>63,900.00</u>	
Total (Gross)	\$359,112.13	
Less — Receipts	<u>—108,486.69</u>	
Total (Net)		\$250,625.44

°(Building used 100% by Court.)

#### MUNICIPAL COURT OF THE BRIGHTON DISTRICT

General Expenses		
Salaries and Expenses	\$241,138.48	
Maintenance°	<u>43,882.50</u>	
Total (Gross)	\$284,820.98	
Less — Receipts	<u>—177,347.64</u>	
Total (Net)		\$107,473.34

°(75% of building is used by Court.)

#### DISTRICT COURT OF CHELSEA

General Expenses		
Salaries and Expenses	\$287,652.26	
Maintenance°	<u>21,497.72</u>	
Total (Gross)	\$309,149.98	
Less — Receipts	<u>—51,512.47</u>	
Total (Net)		\$257,637.51

°(About two-thirds of building is used by Court.)

## BOSTON JUVENILE COURT

General Expenses		
Salaries and Expenses	\$524,728.86	
Less — Receipts		—261.68
Total (Net)		\$524,467.18

## SUFFOLK COUNTY COURT HOUSE

Maintenance		
Salaries and Expenses	\$1,451,261.02	
Less — Statutory share of Commonwealth (plus expenditure for waterproofing)	\$606,858.24	
Telephone commissions	1,669.44	
		—608,527.68
Total (Net)		\$842,733.34

## SOCIAL LAW LIBRARY

General Expenses	\$2,000.00
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## MENTAL HEALTH

General Expenses	
Salaries and Expenses	\$55,000.00

## PENSIONS AND ANNUITIES

General Expenses	\$329,330.87
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## BARNSTABLE

## COUNTY COURT EXPENDITURES

Clerk of Courts	
Salaries and Expenses	\$45,544.92
Probate Court and Registry	
Salaries and Expenses	12,745.88
Law Libraries	
Salaries and Expenses	8,780.56
Superior Court	
Criminal	
Court Officers and	
Stenographers	\$21,271.19
Probation Department	11,973.96
Jurors (Fees, etc.)	45,917.30
Witnesses (Fees, etc.)	10,692.82
District Attorney's Office	7,803.44
Travel and Meals (Jurors and Witnesses)	12,390.42
Misc. Expenses	4,667.35
	\$114,716.48

Civil  
(Includes Supreme Judicial and  
Land Cts.)

Court Officers and Stenographers	\$12,294.10
Jurors (Fees, etc.)	16,993.21
Auditors	1,460.00
Masters	1,373.75



Misc. Expenses	1,120.13	
	<hr/>	
		33,241.19
District Courts		
Salaries and Expenses		
(Includes court house		
rentals)	368,747.22	
Court House Maintenance		
and Operation	60,428.58	
Court House Bonded Debt		
Int. pd. 1970	112,412.50	
	<hr/>	
Total (Gross)		\$756,617.33
Less — Receipts		—119,354.17
		<hr/>
Total (Net)		\$637,263.16

## BERKSHIRE

## COUNTY COURT EXPENDITURES

Clerk of Courts	
Salaries and Expenses	\$43,317.00
Probate Court and Registry	
Salaries and Expenses	11,072.41
Law Libraries	
Salaries and Expenses	16,181.55
Superior Court	
Criminal	
Court Officers and	
Stenographers	\$13,299.52
Probation Department	13,098.45
Jurors (Fees, meals,	
travel, etc.)	34,058.14
Witnesses (Fees, etc.)	2,828.39
District Attorney's Office	26,599.98
Misc. Expenses	354.74
	<hr/>
	90,239.22

## Civil

(Includes Supreme Judicial and  
Land Cts.)

Court Officers and	
Stenographers	6,004.00
Jurors (Fees, etc.)	26,484.48
Auditors	8,012.50
Masters	1,620.00
Referees	1,077.50
Misc. Expenses	1,094.05
	<hr/>
	44,292.53

## District Courts

Salaries and Expenses	
(Includes court house	
rentals)	368,747.22
Court House Maintenance	
and Operation	36,523.15
Court House Bonded Debt	
Int. pd. 1970	2,362.50
	<hr/>

Total (Gross)

\$612,735.58

Less — Receipts	—134,401.41
Total (Net)	<u>\$478,334.17</u>

## BRISTOL

## COUNTY COURT EXPENDITURES

Clerk of Courts	
Salaries and Expenses	\$184,004.85
Probate Court and Registry	
Salaries and Expenses	24,303.27
Law Libraries	
Salaries and Expenses	53,104.38
Superior Court	
Criminal	
Court Officers and	
Stenographers	\$29,866.60
Probation Department	34,629.63
Jurors (Fees, Travel,	
Meals, etc.)	78,676.68
Witnesses (Fees, etc.)	16,181.69
District Attorney's Office	32,885.49
Misc. Expenses	9,745.75
	<u>201,985.84</u>

## Civil

(Includes Supreme Judicial and  
Land Cts.)

## Court Officers and

Stenographers	61,217.01
Jurors (Fees, etc.)	97,521.61
Auditors	10,772.82
Masters	3,092.50
Misc. Expenses	3,326.39

175,930.33

## District Courts

Salaries and Expenses  
(Includes court house  
rentals)

900,750.93

Court House Maintenance  
and Operation

234,268.24

Court House Bonded Debt  
Int. pd. 1970825.00

## Total (Gross)

\$1,775,172.84

Less — Receipts

—291,952.97

## Total (Net)

\$1,483,219.87

## DUKES

## COUNTY COURT EXPENDITURES

Clerk of Courts	
Salaries and Expenses	\$7,859.67
Probate Court and Registry	
Salaries and Expenses	1,230.11
Law Libraries	
Salaries and Expenses	1,970.87

## Superior Court

## Criminal

## Court Officers and

## Stenographers

\$2,216.25

## Probation Department

425.92

## Jurors (Fees, etc.)

5,179.63

## Witnesses (Fees, etc.)

554.38

## District Attorney's Office

## and Inquest

7,536.73

## Misc. Expenses

727.82

16,640.73

## Civil

## (Includes Supreme Judicial and

## Land Cts.)

## Court Officers and

## Stenographers

1,047.44

## Jurors (Fees, etc.)

1,051.02

## Auditors

2,347.50

## Misc. Expenses

307.83

4,753.79

## District Courts

## Salaries and Expenses

## (Includes court house

## rentals)

40,864.60

## Court House Maintenance

## and Operation

9,568.79

## Court House Bonded Debt

## Int. pd. 1970

3,135.00

## Total (Gross)

\$85,856.66

## Less — Receipts

—8,739.08

## Total (Net)

\$77,117.58

## ESSEX

## COUNTY COURT EXPENDITURES

## Clerk of Courts

## Salaries and Expenses

\$254,994.04

## Probate Court and Registry

## Salaries and Expenses

54,736.59

## Law Libraries

## Salaries and Expenses

42,745.27

## Superior Court

## Criminal

## Court Officers and

## Stenographers

\$61,254.80

## Probation Department

45,166.33

## Jurors (Fees, etc.)

138,763.39

## Witnesses (Fees, etc.)

16,998.40

## District Attorney's Office

59,168.93

## Professional Witnesses and

## Clergy

14,305.10

## Misc. Expenses

17,088.42

352,745.37



Civil (Includes Supreme Judicial and Land Cts.)	
Court Officers and Stenographers	91,656.33
Jurors (Fees, etc.)	202,201.65
Auditors	31,410.51
Masters	9,454.23
Misc. Expenses	66.32
	<hr/>
	334,789.04
District Courts	
Salaries and Expenses (Includes court house rentals)	1,484,810.50
Court House Maintenance and Operation	280,578.65
Court House Bonded Debt Int. pd. 1970	15,075.00
	<hr/>
Total (Gross)	\$2,820,474.46
Less — Receipts	<hr/> —380,350.10
Total (Net)	<hr/> \$2,440,124.36

## FRANKLIN

## COUNTY COURT EXPENDITURES

Clerk of Courts	
Salaries and Expenses	\$38,470.09
Probate Court and Registry	
Salaries and Expenses	3,527.37
Law Libraries	
Salaries and Expenses	12,645.92
Superior Court	
Criminal	
Court Officers and Stenographers	\$8,778.65
Probation Department	5,721.82
Jurors (Fees, etc.)	26,986.12
Witnesses (Fees, etc.)	1,771.67
District Attorney's Office	5,971.76
Misc. Expenses	4,739.72
	<hr/>
	53,969.74
Civil (Includes Supreme Judicial and Land Cts.)	
Court Officers and Stenographers	4,079.77
Jurors (Fees, etc.)	13,020.79
Auditors	135.00
Masters	990.00
Misc. Expenses	1,881.83
	<hr/>
	20,107.39
District Courts	
Salaries and Expenses (Includes court house rentals)	134,199.80

Court House Maintenance and Operation	21,837.88	
Total (Gross)	\$284,758.19	
Less — Receipts		—72,060.20
Total (Net)		\$212,697.99

HAMPDEN  
COUNTY COURT EXPENDITURES

Clerk of Courts	
Salaries and Expenses	\$188,444.78
Probate Court and Registry	
Salaries and Expenses	52,808.76
Law Libraries	
Salaries and Expenses	39,474.77
Superior Court	
Criminal	
Court Officers and	
Stenographers	\$60,804.39
Probation Department	37,337.97
Jurors (Fees, etc.)	129,854.43
Witnesses (Fees, etc.)	21,671.43
District Attorney's Office	40,997.55
Transportation and Travel (inside and outside the Commonwealth) —	
10 murder trials	40,037.43
Misc. Expenses	27,448.45
	<u>358,151.65</u>

Civil	
(Includes Supreme Judicial and Land Cts.)	
Court Officers and	
Stenographers	139,708.25
Jurors (Fees, etc.)	144,490.75
Auditors	6,256.25
Masters	2,227.50
Conciliators	430.00
Misc. Expenses	3,111.28
	<u>296,224.03</u>

District Courts	
Salaries and Expenses	
(Includes court house rentals)	1,240,291.43
Court House Maintenance and Operation	204,075.39
Court House Bonded Debt Int. pd. 1970	3,000.00
	<u>\$2,382,470.81</u>

Total (Gross)	\$2,382,470.81	
Less — Receipts		—409,392.56
Total (Net)		\$1,973,078.25

HAMPSHIRE  
COUNTY COURT EXPENDITURES

Clerk of Courts	
Salaries and Expenses	\$48,890.96

Probate Court and Registry		
Salaries and Expenses	14,092.26	
Law Libraries		
Salaries and Expenses	14,562.01	
Superior Court		
Criminal		
Court Officers and		
Stenographers	\$17,544.80	
Probation Department	8,405.95	
Jurors (Fees, etc.)	43,282.76	
Witnesses (Fees, etc.)	3,964.57	
District Attorney's Office	7,933.68	
Misc. Expenses	4,252.84	
	<hr/>	
		85,384.60
Civil		
(Includes Supreme Judicial		
and Land Cts.)		
Court Officers and		
Stenographers	9,360.00	
Jurors (Fees, etc.)	30,928.87	
Auditors	942.50	
Masters	4,338.75	
Misc. Expenses	3,345.18	
	<hr/>	
		48,915.30
District Courts		
Salaries and Expenses		
(Includes court house rentals)	236,000.37	
Court House Maintenance		
and Operation	23,474.47	
	<hr/>	
Total (Gross)	\$471,319.97	
Less — Receipts		—78,228.10
		<hr/>
Total (Net)		\$393,091.87

## MIDDLESEX

## COUNTY COURT EXPENDITURES

Clerk of Courts	
Salaries and Expenses	\$679,129.60
Probate Court and Registry	
Salaries and Expenses	132,422.46
Law Libraries	
Salaries and Expenses	97,372.76
Superior Court	
Criminal	
Court Officers and	
Stenographers	\$247,481.10
Probation Department	104,348.04
Jurors (Fees, etc.)	247,747.17
Witnesses (Fees, etc.)	76,241.56
District Attorney's Office	200,616.17
Misc. Expenses	
(Office equipment,	
postage, etc.)	131,810.28
	<hr/>
	1,008,244.32



## Civil

(Includes Supreme Judicial  
and Land Cts.)Court Officers and  
Stenographers

399,871.85

Jurors (Fees, etc.)

368,863.52

Auditors

38,068.00

Masters

22,118.00

Misc. Expenses

15,714.31

844,635.68

## District Courts

Salaries and Expenses

(Includes court house rentals)

4,220,367.56

Court House Maintenance  
and Operation

1,358,297.56

Court House Bonded Debt  
Int. pd. 1970

940,985.71

Total (Gross)

\$9,281,455.65

Less — Receipts

—897,480.26

Total (Net)

\$8,383,975.39

## NANTUCKET

## COUNTY COURT EXPENDITURES

Clerk of Courts

Salaries and Expenses

\$7,315.08

Probate Court and Registry

Salaries and Expenses

730.55

Law Libraries

Salaries and Expenses

908.25

Superior Court\*

Criminal and Civil

Grand Jury

\$757.39

Probation Department

51.78

Trial Jury

1,738.70

Stenographer

553.99

Sheriff and Deputies

376.40

Witnesses

154.50

District Attorney's Office

478.00

Misc. Expenses

409.38

4,520.14

## District Courts

Salaries and Expenses

(Includes court house rentals)

37,375.68

Total (Gross)

\$50,849.70

Less — Receipts

—4,286.57

Total (Net)

\$46,563.13

\*(Criminal and Civil expenditures are not separated.)

## NORFOLK

## COUNTY COURT EXPENDITURES

Clerk of Court

Salaries and Expenses

\$190,146.77

Probate Court and Registry

Salaries and Expenses

79,598.42

Law Libraries	
Salaries and Expenses	12,659.02
Superior Court	
Criminal	
Court Officers and	
Stenographers	\$146,613.83
Probation Department	36,520.23
Jurors (Fees, etc.)	144,481.97
Witnesses (Fees, etc.)	18,810.85
District Attorney's Office	193,869.37
	<hr/>
	540,296.25
Civil	
(Includes Supreme Judicial and Land Cts.)	
Court Officers and	
Stenographers	77,651.41
Jurors (Fees, etc.)	125,702.13
Auditors	11,427.50
Masters	7,740.00
	<hr/>
	222,521.04
District Courts	
Salaries and Expenses	
(Includes court house rentals)	1,196,806.94
Court House Maintenance and Operation	476,012.91
Court House Bonded Debt Int. pd. 1970	76,994.93
	<hr/>
Total (Gross)	\$2,795,036.28
Less — Receipts	<hr/>
	—408,799.74
Total (Net)	<hr/>
	\$2,386,236.54

## PLYMOUTH

## COUNTY COURT EXPENDITURES

Clerk of Courts	
Salaries and Expenses	\$141,601.75
Probate Court and Registry	
Salaries and Expenses	76,108.57
Law Libraries	
Salaries and Expenses	17,046.42
Superior Court	
Criminal	
Court Officers and	
Stenographers	\$57,929.36
Probation Department	38,368.06
Jurors (Fees, etc.)	129,556.36
Witnesses (Fees, etc.)	19,917.96
District Attorney's Office	48,787.10
Travel and Transportation re:	
Prisoners	8,496.96
Misc. Expenses	7,000.00
	<hr/>

Civil	310,767.92
(Includes Supreme Judicial and Land Cts.)	

Court Officers and Stenographers	48,804.28	
Jurors (Fees, etc.)	80,873.71	
Auditors	1,470.00	
Masters	4,337.50	
Misc. Expenses	54,112.08	
	<hr/>	
	189,597.57	
District Courts		
Salaries and Expenses (Includes court house rentals)	880,865.69	
Court House Maintenance and Operation	156,941.28	
Court House Bonded Debt Int. pd. 1970	44,025.00	
	<hr/>	
Total (Gross)	\$1,816,954.20	
Less — Receipts		—324,469.56
		<hr/>
Total (Net)		\$1,492,484.64

## WORCESTER

## COUNTY COURT EXPENDITURES

Clerk of Courts		
Salaries and Expenses	\$315,653.22	
Probate Court and Registry		
Salaries and Expenses	33,640.74	
Law Libraries		
Salaries and Expenses	57,973.98	
Superior Court		
Criminal		
Court Officers and Stenographers	\$143,067.71	
Probation Department	41,436.38	
Jurors (Fees, etc.)	168,210.05	
Witnesses (Fees, etc.)	33,315.27	
District Attorney's Office	51,862.09	
Misc. Expenses	23,225.85	
	<hr/>	
	461,117.35	
Civil		
(Includes Supreme Judicial and Land Cts.)		
Court Officers and Stenographers	139,753.41	
Jurors (Fees, etc.)	175,800.00	
Auditors	12,073.10	
Masters	11,127.85	
Conciliators	11,546.00	
Misc. Expenses	3,561.57	
	<hr/>	
	353,861.93	
District Courts		
Salaries and Expenses (Includes court house rentals)	1,811,560.36	
Court House Maintenance and Operation)	347,937.81	



Court House Bonded Debt	
Int. pd. 1970	79,980.00
	<hr/>
Total (Gross)	\$3,461,725.39
Less — Receipts	<hr/> —414,704.79
	<hr/>
Total (Net)	\$3,047,020.60

## APPENDIX II

REPORT OF THE STATISTICS OF THE WORK ACCOMPLISHED BY THE  
VARIOUS COURTS

The reports of total civil and criminal entries for fourteen years are set forth in the following table. In 1958 total entries amounted to 567,691, while in 1971, entries totalled 1,544,516, an increase of about 172%.

In the same period the gross cost of operating the courts increased from \$17,312,000 to \$48,838,000, up approximately 182%.

TOTAL CIVIL AND CRIMINAL ENTRIES  
(ALL COURTS)

	<i>Civil</i>	<i>Criminal</i>	<i>Total Civil and Criminal</i>
1958	273,008	294,683	567,691
1959	274,398	297,415	571,813
1960	285,818	321,734	607,552
1961	302,184	331,528	633,712
1962	308,734	366,526	675,260
1963	320,082	410,448	730,530
1964	382,647	424,255	806,902
1965	391,285	479,609	870,894
1966	382,776	565,571	948,347
1967	395,898	707,186	1,103,084
1968	398,161	724,828	1,122,989
1969	404,903	788,976	1,193,879
1970	417,098	958,918	1,376,016
1971	436,167	1,108,349	1,544,516

Civil and criminal entries in the various courts appear in the following tables for the years ending June 30, 1970, and June 30, 1971. Next are the statistics for each court with comments.

Both civil and criminal entries continued to increase. The former rose about 4%; the latter, slightly more than 15%.

## CIVIL ENTRIES

	<i>1971 15th Report</i>	<i>1970 14th Report</i>	
Supreme Judicial Court, law .....	1,793	1,438	
Supreme Judicial Court, equity .....	146	141	
		1,939	1,579
Superior Court, law .....	36,453	35,155	
Superior Court, equity .....	6,441	5,892	
		42,984	41,047
		5,229	5,155
Land Court .....			
Probate Courts, probate .....	113,314	110,685	
Probate Courts, divorce .....	18,290	16,692	
Probate Courts, commitments .....	395	418	
		131,999	127,795

## Municipal Court of the City of Boston:

Net after removals .....	27,854	25,518
Supplementary process .....	965	1,017
Small Claims .....	1,313	1,264
Reciprocal Support .....	230	189
	<u>30,362</u>	<u>27,988</u>

## District Courts:

Net after removals .....	93,049	89,543
Supplementary process .....	31,482	30,088
Small Claims .....	92,515	87,059
Reciprocal Support .....	2,705	2,477
Commitments .....	3,993	4,397

223,744 213,564

Total Civil entries ..... 436,167 417,098

## CRIMINAL ENTRIES

1971  
15th Report

1970  
14th Report

## Superior Court:

Indictments .....	19,470	14,473
Action on bail bonds .....	288	224
Complaints after waiver of indictments .....	0	1
	<u>19,758</u>	<u>14,698</u>

## Municipal Court of the City of Boston:

General .....	342,800	214,969
Inquests .....	0	1
	<u>342,800</u>	<u>214,970</u>

## District Courts:

General .....	740,278	724,254
Inquests .....	0	0

Boston Juvenile Court ..... 2,167 2,179

Springfield Juvenile Court ..... 1,802 1,360

Worcester Juvenile Court ..... 1,544 1,457

Total criminal entries ..... 1,108,349 958,918

## SUPREME JUDICIAL COURT

In the first part of the following table, a comparison is made between the current year, the preceding year, and ten years ago.

In the current year there were 454 cases entered, an increase of 59 cases over the preceding year (395). The total number of full opinions was 233, the same as in 1970. However, rescript opinions increased from 96 in 1970 to 107 in 1971.

The average period in days from consideration of cases by the court to decision increased from 55.35 in 1970 to 58.42 in 1971.

## CASES ON APPEAL

Origin	1960-1961	1969-1970	1970-1971
Single Justice Session			
Law .....	12	19	9
Equity .....	4	8	9



## Superior Court

Law .....	172	166	166
Equity .....	66	81	89
Workmen's Compensation .....	17	11	2
Land Court .....	4	4	5
Probate Courts .....	29	25	27
District and Boston Municipal Courts .....	10	8	6
Total .....	314	322	335
Opinions .....	261	226	228
Rescript Opinions .....	53	96	107
Total .....	314	322	335
Advisory Opinions .....	0	7	5
Total .....	314	329	340
	1969-1970		1970-1971
Decision of lower court modified and affirmed .....	10	3%	20 6%
Decision of lower court affirmed .....	210	65%	206 61%
Decision of lower court reversed .....	73	23%	76 23%
No decision in lower court .....	29	9%	30 9%
Appeals dismissed .....			3 1%
Total .....	322	100%	335 100%
Cases argued .....	265	82%	292 87%
Submitted on briefs .....	27	9%	18 5%
Argued and briefs* .....	30	9%	25 8%
Total .....	322	100%	335 100%

\*Argued by one side.

## County of Origin

	1969-1970	1970-1971
Barnstable .....	2	10
Berkshire .....	2	7
Bristol .....	11	10
Dukes .....	3	—
Essex .....	24	21
Franklin .....	—	4
Hampden .....	18	18
Hampshire .....	1	2
Middlesex .....	57	62
Norfolk .....	28	22
Plymouth .....	3	18
Suffolk .....	150	136
Worcester .....	23	25
Total .....	322	335
Days from entry to consideration (average) .....	147.31	148.21
Days from consideration to decision (average) .....	55.35	58.42
Total .....	202.66	206.63
Civil cases .....	254	244
Criminal cases .....	68	91
Total .....	322	335
Cases entered		
Law .....	242	272
Equity .....	153	182
Total .....	395	454

SUPREME JUDICIAL COURT FOR SUFFOLK COUNTY  
SINGLE JUSTICE SESSION

TWO YEAR COMPARISON OF STATISTICS

	1970	1971
Total Entries on Law Docket .....	1,438	1,793
Total Entries on Equity Docket .....	141	146

Total .....	1,579	1,939
<i>Law Docket</i>		
Petitions for Admission to the Bar .....	1,207	1,484
Appeals from Decision of Appellate Tax Board .....	9	38
Application for Discharge under Chapter 123, §91 .....	8	7
Petitions for Writ of Certiorari .....	14	10
Petitions for Writ of Error .....	53	61
Petitions for Writ of Habeas Corpus .....	14	20
Petitions for Writ of Mandamus .....	23	23
All others .....	141	150
Total .....	1,438	1,793

## SUPREME JUDICIAL COURT FOR THE COUNTY OF SUFFOLK

September 1, 1970 to September 1, 1971

## REPORT

<i>Transferred to</i>	<i>Prerogative</i>	<i>Petitions for Admission</i>
<i>Superior Court</i>	<i>Writs</i>	<i>to the Bar</i>
28	128	1,484

*Law Docket*

Petitions for Admission to the Bar .....	1,484
Appeals from Decision of Appellate Tax Board .....	38
Applications for Discharge under Chapter 123, §91.....	7
Petitions for Writ of Certiorari .....	10
Petitions for Writ of Error .....	61
Petitions for Writ of Habeas Corpus .....	20
Informations .....	10
Petitions for Writ of Mandamus .....	23
Petitions for Writ of Prohibition .....	3
Petition for Writ of Protection .....	1
Bills for Declaratory Judgment .....	9
Petitions to Establish Truth of Exceptions .....	8
Petitions for Admission to Bail .....	18
Petitions for Reduction of Bail .....	18
Petition for Reduction of Bail to personal recognizance .....	1
Petition for review of Bail determination .....	1
Petition to enforce the bail law .....	1
Petition to stay temporary order of custody .....	1
Petitions for Late Appeal .....	6
Petition for late filing of Bill of Exceptions .....	1
Petition for leave to claim exceptions to order dismissing Bill of Exceptions .....	1
Petitions for Late Appeal under Chapter 211, §11 .....	3
Petitions for Relief under Chapter 211, §3 .....	11
Petitions under Chapter 211, §3, 4A .....	3
Petitions under Chapter 215, §15 .....	3
Petition under Chapter 215, §25 .....	1
Petitions under Chapter 278, §28E .....	15
Petitions under Chapter 278, §32A .....	5
Petition to extend time for filing under Chapter 278, §33D .....	1
Petitions for Appeal under Chapter 278, §33H .....	2
Applications for Stay of Execution under Chapter 279, §4 .....	3
Applications for Stay of Execution of Sentence .....	6
Petitions for stay of sentence and admission to bail .....	5
Petitions for stay of execution of sentence pending appeal and release on bail .....	3
Petitions to Stay decree of Probate Court .....	2
Petitions to Stay decree of Superior Court pending appeal .....	0

Petitions under Chapter 278, §33A, 33G .....	2
Petition for temporary restraining order .....	1
Petition for Review .....	1
Petition to take Polygraph Test .....	1
Petition for leave to reproduce record re: Appeal to the Supreme Judicial Court .....	1
Motion to provide Stenographer at Commonwealth's expense .....	1
Petition for leave to withdraw as counsel .....	1
	<hr/>
Total Entries on Law Docket .....	1,793
	<hr/>

*Equity Docket*

Bills of Complaint .....	3
Petition for Contempt .....	1
Petitions for Declaratory Judgment .....	6
Petition for Declaratory Judgment under C. 231A .....	1
Petitions for Declaratory Relief .....	11
Bills in Equity .....	5
Petitions for Dissolution under C. 155, §50A .....	4
Petitions for Dissolution under C. 156B, §99 .....	4
Petitions for Dissolution under C. 156B, §101 .....	5
Petitions for Dissolution under C. 180, §11A .....	21
Petitions to Establish Truth of Exceptions .....	3
Appeal under Chapter 175A, §19 .....	1
Petitions for Dissolution and transfer of church property under Chapter 204, §12 .....	2
Petitions for Appeal under Chapter 25, §5 .....	15
Petitions for Late Entry of Appeal .....	4
Petitions for Late Appeal under Chapter 214, §28 .....	2
Petitions for Late Appeal under Chapter 215, §15 .....	2
Petitions for Stay of Decree .....	9
Petition for Suspension of Decree under Chapter 152, §17 .....	1
Petitions for Suspension of Decree under Chapter 214, section 22 .....	22
Petition of Attorney General for Injunction Pending Appeal under Chapter 214, §22 .....	1
Petition under G. L., Chapter 214 .....	1
Petition for Suspension of Decree of Probate Court pending appeal under Chapter 215, §§23 and 24 .....	1
Petition under Chapter 211, §3 .....	1
Petition for Order of Stay and Injunction .....	1
Petition to transfer cause from Superior Court under Chapter 211, §4A ..	1
Petition for transfer under Chapter 211, §4A and for temporary restraining order .....	1
Petition for transfer and for exercise of Supervisory Powers under Chapter 211, §§3 and 4A .....	1
Petition to Review Interlocutory Decree .....	1
Petition to annul or modify restraining order .....	1
Petitions for appointment of Guardian ad Litem .....	2
Petition for Costs and Expenses .....	1
Petition to pay balance of printing costs late .....	1
	<hr/>
	146
Total Entries on Equity Docket .....	146
Total Entries on Law Docket .....	1,793
	<hr/>
Total Entries on Both Dockets .....	1,939



## SUPERIOR COURT

Appearing below in summary form, for the years 1960, 1970, and 1971 are tables of civil and criminal trials by Superior Court justices as well as new entries and dispositions.

On the civil side, the figures for the last year show an increase in entries over dispositions of approximately 10%.

On the criminal side the cases on hand and entered are approximately 55% greater than the cases disposed of.

## SUPERIOR COURT

CIVIL AND CRIMINAL  
(LAW AND EQUITY)

	1971	1970	1960
Trial during year by			
Superior Court justices			
Civil .....	2,556	2,832	2,521
Criminal .....	2,266	2,281	1,957
Totals .....	4,822	5,113	4,478
New Cases			
Civil entries .....	42,894	41,047	39,233
Criminal .....	38,353	30,924	19,380
Totals .....	81,247	71,971	58,613
Cases disposed of			
Civil .....	39,318	39,492	36,774
Criminal .....	32,702	26,574	14,227
Totals .....	72,020	66,066	51,001

## SUPERIOR COURT

## CIVIL STATISTICS

## I. LAW CASES — JURY AND NON-JURY

	1970	1971
Trials during year by Superior Court justices .....	2,195	1,858
Jury verdicts and findings by the court .....	2,212	1,865
On hand — start of year .....	54,555	57,205
Retransfers .....	1,977	1,897
Total entries .....	35,155	36,453
	91,687	95,555
Less disposed of .....	—34,463	—33,698
On hand — end of year .....	57,224	61,857

## II. EQUITY

	1970	1971
Trials during year by Superior Court justices .....	637	698
On hand — start of year .....	10,726	11,579
Entries .....	5,892	6,441
	16,618	18,020
Less disposed of .....	— 5,029	— 5,620
On hand — end of year .....	11,589	12,400

## SUPERIOR COURT

A summary of criminal statistics for 1970 and 1971 follow:

### SUPERIOR COURT CRIMINAL STATISTICS

	<i>1970</i>	<i>1971</i>
Trials during year by Superior Court justices .....	2,281	2,266
Trials during year by District Court justices .....	1,398	1,368
Days during which a Superior Court justice sat for trials, dispositions or redispersions .....	3,378	3,532½
Days during which a District Court justice sat in Superior Court .....	683	800

### SUPERIOR COURT

The next table is a five year comparison of criminal business and the attached charts give the detailed civil and criminal statistics.

REPORT TO THE SUPREME JUDICIAL COURT  
CRIMINAL BUSINESS STATISTICS OF THE SUPERIOR COURT FOR THE YEAR ENDING JUNE 30, 1971

	Barnstable	Berkshire	Bristol	Dukes	Essex	Franklin	Hampden	Hampshire	Middlesex	Nantucket	Norfolk	Plymouth	Suffolk	Worcester	Totals
1. Number on hand at first of year (7/1/70) .....	407	186	2,414	27	4,036	129	2,302	306	2,711	0	975	1,664	4,508	2,994	22,659
2. Indictments returned .....	653	373	1,872	19	1,291	87	2,642	528	2,457	13	1,561	1,472	3,454	3,048	19,470
3. Appeal cases entered .....	424	232	1,720	15	2,294	189	970	269	2,636	73	1,250	1,350	3,087	2,175	16,684
4. Actions on bail bonds for recognizances entered .....	0	0	0	0	9	0	21	0	26	0	86	1	113	32	288
5. Disposed of in previous years — brought forward for redispotion .....	0	0	11	0	52	0	23	0	205	0	58	208	420	371	1,348
6. Indictments waived .....	89	3	250	0	30	0	8	0	29	0	29	14	0	126	578
7. Complaints filed after waiver of indictment .....	0	1,166	0	608	0	3,858	0	34	3,676	0	276	0	3,644	0	797
8. Total .....	1,573	794	6,272	61	7,712	405	5,966	1,103	8,064	86	3,959	4,709	11,582	8,746	61,032
9. Appeals withdrawn before sitting following entry .....	22	15	57	8	80	31	82	19	0	4	27	30	189	18	582
10. Appeals withdrawn after next sitting under G. L. c. 278 § 25 .....	12	20	42	0	265	12	3	9	372	0	2	177	129	210	1,253
11. Appeals withdrawn during sitting* .....	39	23	135	0	30	27	67	89	72	0	100	3	6	32	623
12. Disposed of during year .....	695	768	441	499	3,825	4,059	37	45	1,481	1,856	158	228	1,722	1,874	354
13. Remaining at end of year .....	805	295	2,213	16	5,856	177	4,092	632	3,568	21	1,211	3,142	3,980	2,322	28,330
14. Awaiting trial at end of year .....	313	201	1,609	16	4,532	108	4,092	377	3,254	4	642	1,462	3,540	1,415	21,565
15. Trials during year by Superior Court justices .....	29	16	81	12	136	11	123	60	664	78	112	45	848	161	2,266
16. Trials during year by District Court justices .....	50	29	237	0	97	13	15	35	139	0	67	81	325	280	1,368
17. Days during which a Superior Court justice sat for trials, dispositions or redispotions .....	44	38½	183	8	126	40	380	66	611	5	187	109	1,323	412	3,532½
18. Days during which a District Court justice sat in Superior Court .....	23	26	64	0	57	15	47	19	99	0	45	53	180	172	800

\*(In Suffolk County appeals in this category are included in the preceding classification.)





SUPERIOR COURT  
CRIMINAL STATISTICS 1967-1971

	1967		1968		1969		1970		1971	
On hand at first of year .....	10,098		11,774		13,667		18,306		22,659	
Indictments returned .....	9,922		11,524		13,371		14,473		19,470	
Appeal cases entered .....	9,956		11,371		13,137		14,325		16,684	
Actions on bail bonds .....	81		77		76		222		288	
Disposed brt. forward .....	1,213		1,305		1,176		1,367		1,348	
Indictments waived .....	375		458		575		537		578	
Complaints after waiver ..	9	21,556	0	24,735	7	28,342	0	30,924	0	38,353
Total .....	31,654		36,509		42,009		49,230		61,032	
Appeals withdrawn before sitting .....	568		508		462		560		582	
Appeals withdrawn after next sitting .....	811		889		1,073		1,178		1,253	
Appeals withdrawn during sitting .....	557		746		617		455		623	
Disposed of .....	17,944	—19,880	20,699	—22,842	21,551	—23,703	24,381	—26,574	30,244	—32,702
On hand at end of year .....	11,774		13,667		18,306		22,656		28,330	

## APPELLATE DIVISION

ANNUAL REPORT OF THE BUSINESS OF THE APPELLATE DIVISION  
OF THE SUPERIOR COURT

(G. L. Ch. 278, Sec. 28A — 28D, inclusive)

for the period commencing July 1, 1970 and ending June 30, 1971:

As of June 30, 1970 Appeals were pending for review of .....	260 sentences
During the period of July 1, 1970 to June 30, 1971 Appeals were entered for review of .....	402 sentences
	<hr/> 662 sentences
Appeals were withdrawn which related to .....	176 sentences
Appeals became moot which related to .....	7 sentences
Appeals were dismissed as to .....	52 sentences
Sentences reduced .....	11 sentences
Sentences increased .....	3 sentences
Appeals pending on June 30, 1971 as to .....	413 sentences
	<hr/> 662 sentences

The Appellate Division was in session for ten days.

## LAND COURT

The four year comparative statistics show an increase in new cases and a decrease in dispositions. In the absence of an inventory of pending cases it is not possible to determine the size and character of the back log.



CIVIL BUSINESS STATISTICS—SUPERIOR COURT FOR THE YEAR ENDING JUNE 30, 1971, AS REPORTED BY CLERKS OF SAID COURT

COUNTIES	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
	Law Cases Start of Year	Prior Year Cases Transferred				No. Cases Entered During Year						Trials by Superior Court Judges		No. Jury Verdicts (Ordered—Not Ordered) Ptf. Dft.				No. Findings (Law)		Non-triable Docket				Remaining Active— Law Docket End of Year		Disposed of				Triable at Issue Awaiting Trial		Enjoined	Remaining Undisposed of		Cases Marked Inactive		Inactive Dismissed		Motor Tort by Dist. Ct. Justice	Days Superior Ct. Judges Sat	Days Dist. Court Justices Sat in Motor Tort Case	Equity																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
		After Trial		With- out Trial	Removals					Total Entries		J. N.J.		O. N.O. O. N.O.		Ptf. Dft.		J. N.J.		J. N.J.		J. N.J.		Aud. Other		Aud. Other		J. N.J.		J. N.J.			J. N.J.		J. N.J.		J. N.J.					J. N.J.		Entered		Disposed of		Remaining		Trials by Sup'r Ct. Judges																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
J.	N.J.	J.	N.J.	Orig. Writs	Ptf.	Dft.	By Both	By Court	Total Entries	J.	N.J.	O.	N.O.	O.	N.O.	Ptf.	Dft.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	Aud.	Other	Aud.	Other	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N.J.	J.	N





## LAND COURT

COMPARATIVE OF FOUR YEARS — JULY 1, 1967 TO JUNE 30, 1971

	7/1/67 to 6/30/68	7/1/68 to 6/30/69	7/1/69 to 6/30/70	7/1/70 to 6/30/71
Land Registration .....	486	411	461	413
Land Confirmation .....	41	34	32	34
Land Registration, Subsequent .....	1,209	1,317	1,223	1,255
Tax Lien .....	672	559	816	816
Equity & Miscellaneous .....	2,733	2,562	2,623	2,711
Total Cases Entered .....	5,141	4,883	5,155	5,229
Decree Plans Made .....	460	370	406	444
Subdivision Plans Made .....	642	583	564	606
Total Plans Made .....	1,102	953	970	1,050
Total Appropriation .....	\$594,342.00	\$594,342.00	\$688,500.00	\$722,500.00
Fees Sent to State Treasurer .....	87,113.38	87,935.55	93,262.31	90,715.49
Income from Assurance Fund — Applicable to Expenses .....	9,895.20	11,448.09	17,721.66	14,292.12
Total Expenditures .....	583,627.09	590,753.55	684,152.04	664,002.90
Net Cost to Commonwealth .....	486,618.51	491,369.91	573,168.07	558,995.29
Claims Paid From Assurance Fund During Year .....	None	500.00	None	None
Assurance Fund (Close of Fiscal Year) .....	275,722.10	283,990.69	293,321.67	302,392.18
Assessed Value of Land on Petitions in Registration and Confirmation Cases Entered .....	\$9,697,516.50	\$12,425,498.86	\$15,101,063.18	\$7,744,448.42

## CASES DISPOSED OF BY FINAL ORDER DECREE OR JUDGMENT BEFORE HEARING

Land Registration .....	450	533	406	403
Land Confirmation .....	22	20	36	30
Land Registration, Subsequent .....	1,209	1,317	1,223	1,255
Tax Lien .....	622	714	625	502
Equity & Miscellaneous .....	2,809	2,986	1,815	2,062
Total Cases Disposed of .....	5,112	5,570	4,105	4,252



## PROBATE COURTS

The total of original entries including divorce continued to increase about 3.2% from 127,377 in 1969 to 131,604 in 1970.

The total of divorce original entries increased about 8.7% from 16,692 in 1969 to 18,290 in 1970.

Among the five counties showing the largest number of entries Norfolk county jumped from fifth to third position in 1970.

Original entries (including divorce) for all counties,  
with divorce libels in ( )

	1969	1970	1969 to 1970
Barnstable .....	2,718 ( 472)	2,840 ( 477)	+ 122 (+ 5)
Berkshire .....	3,397 ( 478)	3,101 ( 499)	— 296 (+ 21)
Bristol .....	7,427 ( 1,382)	7,010 ( 1,471)	— 417 (+ 89)
Dukes .....	257 ( 28)	253 ( 43)	— 4 (+ 15)
Essex .....	12,071 ( 1,441)	12,452 ( 1,591)	+ 381 (+ 150)
Franklin .....	1,518 ( 202)	1,535 ( 256)	+ 17 (+ 54)
Hampden .....	8,682 ( 1,835)	8,618 ( 1,958)	— 64 (+ 123)
Hampshire .....	3,439 ( 338)	2,427 ( 381)	—1,012 (+ 43)
Middlesex .....	36,383 ( 3,695)	37,522 ( 4,123)	+1,139 (+ 428)
Nantucket .....	156 ( 8)	169 ( 11)	+ 13 (+ 3)
Norfolk .....	11,213 ( 1,399)	14,734 ( 1,495)	+3,521 (+ 96)
Plymouth .....	7,660 ( 1,184)	8,089 ( 1,241)	+ 429 (+ 57)
Suffolk .....	20,041 ( 2,149)	18,611 ( 2,514)	—1,430 (+ 365)
Worcester .....	12,415 ( 2,081)	14,243 ( 2,230)	+1,828 (+ 149)
Totals .....	127,377 ( 16,692)	131,604 ( 18,290)	+4,227 (+1,598)

Five Counties with largest number of  
original entries (including divorce)

	1969		1970
Middlesex .....	36,383	Middlesex .....	37,522
Suffolk .....	20,041	Suffolk .....	18,611
Worcester .....	12,415	Norfolk .....	14,734
Essex .....	12,071	Worcester .....	14,243
Norfolk .....	11,213	Essex .....	12,452

## EXTRACTS FROM THE REPORTS OF THE REGISTRARS

	Barnstable	Berkshire	Bristol	Dukes
Original entries (including divorce) .....	2,840	3,101	7,010	253
Administration allowed .....	125	239	574	141
Wills allowed .....	413	409	722	0
Guardianships (minor) .....	28	39	105	0
Guardianships (mentally ill) .....	12	7	24	0
Conservators Decrees .....	36	64	82	0
Accounts & Distribution Decrees .....	511	794	811	32
Trustees Decrees .....	35	42	68	0
Equity Decrees .....	17	23	29	0
Restraining Orders, etc. Decrees .....	0	14	0	0
Pro Confesso Decrees .....	0	1	0	0
Partitions .....	21	14	19	0
Real Estate Sales .....	140	117	417	8
Separate Support .....	40	51	84	0
Contempts and Modifications .....	5	5	3	0
Petitions dismissed .....	6	10	356	0
Desertion and Living Apart (allowed) .....	0	4	0	0
Custody — Minors (allowed) .....	0	19	14	0
Divorce:				
Original entries .....	477	499	1,471	43
Decrees nisi .....	300	255	1,142	28
Decrees dismissed .....	23	17	142	4
Other Decrees & Orders (including modifications and contempts, etc.) .....	203	70	603	0
Dismissed under Rule 48 .....	65	50	136	0
Adoptions .....	70	105	250	2
Commitments:				
Mentally Ill and Feeble Minded .....	0	0	0	0



## OF PROBATE FOR THE YEAR ENDING DECEMBER 1, 1970

Essex	Franklin	Hampden	Hampshire	Middlesex	Nantucket	Norfolk	Plymouth	Suffolk	Worcester	Totals
12,452	1,535	8,618	2,427	37,522	169	14,734	8,089	18,611	14,243	131,604
1,129	98	592	139	1,978	19	741	467	1,653	1,091	8,986
1,245	164	696	232	2,874	34	1,389	618	1,232	1,524	11,552
209	22	154	56	223	1	171	88	265	200	1,561
42	7	23	7	105	0	44	19	96	87	473
156	25	136	31	475	4	150	110	245	205	1,719
2,333	449	1,710	501	10,321	33	2,604	1,090	3,340	1,718	26,247
152	14	78	20	350	4	195	75	158	137	1,328
51	6	59	17	217	4	64	27	0	96	610
0	2	0	14	49	1	39	34	20	39	212
14	0	34	8	139	3	11	12	32	6	260
37	0	5	5	62	5	16	9	29	22	244
126	1	324	107	1,027	8	420	260	478	668	4,101
57	3	33	2	1,804	1	182	30	666	678	3,631
24	14	2	3	1,006	7	51	17	181	219	1,537
390	2	16	7	41	0	239	697	427	0	2,191
9	0	1	4	4	0	1	2	9	3	37
107	3	7	1	35	6	8	37	163	179	579
1,591	256	1,958	381	4,123	11	1,495	1,241	2,514	2,230	18,290
980	185	1,099	265	2,649	7	1,017	846	1,578	2,338	12,689
76	31	135	46	314	0	116	132	145	273	1,454
844	106	809	367	3,580	11	962	1,489	2,500	1,486	13,030
246	20	231	43	536	0	165	178	427	377	2,474
437	46	363	72	1,294	1	475	356	795	359	4,625
0	0	0	0	0	0	0	0	395	0	395

## DISTRICT COURTS

The number of civil writs entered in the District Courts, exclusive of remand cases, increased from 97,994 in 1970 to 101,068 in 1971. In 1970, there were 13,027 civil cases tried; in 1971, 13,056.

The statistics on removals to and transfers from the Superior Court show decreases in removals and in transfer cases tried, while transfers and retransfers increased.

	1970	1971	+ or -
Removals .....	8,451	8,019	— 432
Transfers .....	10,137	10,818	+ 681
Transfers tried .....	3,776	3,537	— 239
Retransfers .....	1,309	1,341	+ 32

Criminal cases begun continued their steady increase except in the category listing drunkenness which decreased by 27%.

	1970	1971	+ or -
Criminal cases begun .....	724,254	740,684	+ 16,430
Major categories:			
Drunkenness .....	59,878	58,211	— 1,667
Automobile* .....	348,244	518,699	+ 170,455
Operating under influence .....	8,574	9,224	+ 650
Narcotics .....	12,425	24,022	+ 11,597

## Other comparisons follow:

	1970	1971	+ or -
Eviction cases entered .....	15,164	14,561	— 603
Eviction cases tried .....	4,160	4,249	+ 89
Poor debtor cases .....	30,088	31,482	+ 1,394
Small claims cases .....	87,059	92,515	+ 5,456
Juvenile cases .....	21,032	28,536	+ 7,504
Reciprocal support cases .....	2,477	2,705	+ 228
Reciprocal support collections .....	\$3,467,070	\$3,562,539	+ \$95,469

\*It is to be noted that the criminal business in the category marked 'automobile' is approximately 65% greater than the figure shown for 1970. This results from the more detailed breakdown in the chart of criminal statistics this year over that of the previous year.

## BOSTON MUNICIPAL COURT

The following civil and criminal statistics for two years are supplied in tabular form.

## CIVIL

	1970	1971
Actions entered:		
Contract .....	18,919	21,651
Tort .....	6,263	6,301
Contract or tort .....	393	484
All others .....	1,096	914
Total actions entered .....	26,671	29,350



## STATISTICS OF THE DISTRICT COURTS OF MASSACHUSETTS FOR THE YEAR ENDING JUNE 30, 1971 AS REPORTED BY THE CLERKS OF SAID COURTS

Compiled by the office of the Chief Justice of the District Courts

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35		
DISTRICT COURTS arranged in accordance with 1970 CENSUS	Total Civil Writs Entered	Trials Less Summary Process	Summary Process Entered (Included in Column 1)	Summary Process Tried	Removals to Superior Court	Reported to Appellate Divisions	Reported to Supreme Judicial Court	Supplementary Process Entered	Small Claims Entered	Total Criminal Complaints (except Parking Complaints)	Narcotics — Harmful Drugs, etc.	Drunkenness	Gaming and/or Lottery Cases	Operating Under Influence of Intoxicating Liquor	Operating Under Influence of Drugs	Operating so as to Endanger	Using Without Authority and Larceny of Motor Vehicle	All Other Motor Vehicle Complaints (except Parking)	Criminal Parking Complaints	Criminal Appeals	Juvenile Drug Complaints	All Other Juvenile Complaints	Neglected Children	Parking Tickets Returned	Commitments of Mentally Ill	Neglect of Family Non-Support		Uniform Reciprocal Enforcement of Support Act G. L. C. 273A		Remand or Transfer Cases Acts 1958, C. 369							
																										Number of Cases	Amount of Money Collected	Cases Initiated	Cases Received from Other States	Amount of Money Collected	Cases Received	Tried	Retransferred to Su- perior Court after Trial	Dispositions: Agreements, Trials, Defaults, Non-Suits, Dismissals, Settlements, etc.	Pending		
1 Central Worcester.....	5,862	387	625	165	172	2	0	1,707	4,771	35,653	811	4,489	41	285	0	59	74	22,678	19,176	814	0	0	0	0	92,398	430	24	75,287.14	62	48	168,595.00	1,457	310	165	1,697	2,156	1
2 Springfield.....	5,950	1,150	635	147	424	6	0	2,804	7,607	33,254	1,393	3,582	167	345	1	237	229	21,102	10,217	506	0	0	0	0	121,575	407	278	434,608.17	60	93	211,207.19	342	158	71	346	247	2
3 East Norfolk, Quincy.....	5,859	641	243	90	338	8	0	1,099	2,183	15,357	952	2,229	98	419	6	186	119	5,504	68	559	154	1,256	1	8	108	147,568.87	43	26	119,246.89	492	49	31	352	417	3		
4 1st Eastern Middlesex, Malden.....	5,342	631	418	329	509	1	1	1,147	2,585	10,371	700	1,168	5	207	10	146	118	5,733	16,390	498	103	870	5	40	48	192,812.76	11	29	95,537.39	688	368	85	616	364	4		
5 Lowell.....	3,692	673	553	51	249	2	0	958	6,680	14,131	151	2,127	12	149	2	108	8	5,299	1,421	481	71	1,063	38	66	60	626,441.96	82	146	102,438.21	392	169	27	376	312	5		
6 3rd East, Middlesex, Cambridge.....	5,463	530	394	118	403	4	1	834	1,969	16,050	863	2,369	9	159	3	110	153	9,555	30,009	528	58	980	8	109	59	58,032.85	21	15	118,122.48	393	138	43	419	194	6		
7 Dorchester.....	5,566	1,424	1,679	213	865	6	1	2,080	2,176	19,260	574	2,372	86	169	2	248	191	5,399	5,491	805	85	1,601	13	5	457	551,148.79	35	61	92,440.22	836	139	84	764	1,744	7		
8 Southern Essex, Lynn.....	2,891	246	514	244	151	3	0	698	1,978	10,430	505	1,917	15	200	2	152	80	5,447	275	440	43	835	9	25	25	54,547.63	25	27	59,785.35	127	42	33	151	483	8		
9 4th East, Middlesex, Woburn.....	2,455	402	107	36	261	1	0	1,119	2,049	9,643	382	912	0	133	1	97	85	6,044	0	383	94	562	4	134	28	181,141.60	27	21	115,155.71	269	69	40	276	49	9		
10 Third Bristol, New Bedford.....	2,804	315	400	205	345	3	0	393	3,826	11,401	1,191	1,351	85	260	2	154	118	3,966	845	234	70	664	8	81	85	84,292.76	21	24	108,949.08	217	46	19	235	261	10		
11 Northern Norfolk, Dedham.....	2,085	143	68	25	140	0	0	628	1,040	7,346	395	785	13	205	0	220	98	5,157	16	420	53	293	0	335	20	47,120.31	14	15	64,006.03	186	55	22	216	80	11		
12 Lawrence.....	2,278	432	297	97	223	1	0	342	1,312	7,195	484	1,606	20	202	2	105	61	2,298	916	324	42	657	17	58	58	63,927.85	8	26	73,980.88	122	64	24	128	58	12		
13 Second Bristol, Fall River.....	1,845	328	217	99	98	1	0	308	1,646	17,113	543	1,403	19	80	11	410	108	5,807	6,518	334	71	795	5	19	93	58,641.18	19	20	65,755.57	164	28	9	94	367	13		
14 West Roxbury.....	1,399	163	643	224	73	1	1	912	862	8,245	255	1,122	31	91	1	137	116	3,760	4,215	404	23	556	6	331	4	181,329.82	25	28	74,280.78	127	44	17	125	97	14		
15 First Essex, Salem.....	2,041	591	212	162	147	0	0	431	1,285	7,801	389	1,030	0	215	3	124	54	3,832	794	268	22	366	8	121	151	161,443.15	27	11	73,986.11	64	22	10	81	135	15		
16 1st So. Middlesex, Framingham.....	2,085	229	163	47	287	3	0	417	1,601	9,762	288	587	0	187	2	128	21	6,751	1,008	345	72	573	48	4	210	288,185.00	20	26	90,388.00	198	97	20	191	51	16		
17 Brockton.....	2,763	292	334	157	412	1	1	589	1,885	8,268	719	1,616	4	236	2	177	88	2,840	3,060	238	139	561	7	120	80	366,808.33	49	21	89,830.93	172	59	26	198	175	17		
18 Hampshire, Northampton.....	827	71	69	22	38	0	0	245	1,984	10,804	917	1,143	5	358	6	235	48	6,302	1,808	291	53	476	20	55	55	67,296.42	28	20	34,642.23	63	8	7	29	102	18		
19 2nd Plymouth, Hingham.....	1,528	252	118	62	104	0	0	641	1,513	12,520	694	955	3	353	2	381	74	7,756	1,246	823	127	1,050	8	47	183	180,786.99	65	12	75,942.65	138	42	16	140	35	19		
20 2nd East, Middlesex, Waltham.....	3,389	242	131	57	210	2	0	458	1,863	12,032	252	1,330	6	214	2	137	33	8,892	24,65	527	46	417	12	452	1	45,717.07	12	27	55,114.13	225	64	39	162	123	20		
21 Central Middlesex, Concord.....	1,050	101	52	25	64	2	0	206	823	11,391	245	438	2	152	5	173	107	9,395	2,226	333	87	404	5	17	17	70,442.44	39	43	56,192.27	77	46	16	97	3	21		
22 Roxbury.....	3,666	148	2,469	179	250	0	0	1,136	924	16,089	1,164	1,870	82	199	3	231	229	7,352	52,680	505	0	0															





## Actions removed to Superior Court:

Contract .....	349	494
Tort .....	760	938
Contract or tort .....	44	54
All others .....	—	10

Total actions removed .....	1,153	1,496
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## Net entries after removals:

Contract .....	18,570	21,157
Tort .....	5,503	5,363
Contract or tort .....	349	430
All others .....	1,096	904

Total .....	25,518	27,854
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Transferred from Superior Court .....	2,048	2,029
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Total .....	28,719	29,883
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## Actions defaulted:

Contract .....	10,786	12,276
Tort .....	1,485	1,398
Contract or tort .....	71	76
All others .....	343	295

Total .....	12,685	14,045
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## Trials:

Contract .....	1,087	1,387
Tort .....	1,754	1,037
Contract or tort .....	157	70
All others .....	245	363

Total .....	3,243	2,857
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## Plaintiffs' findings:°°

Contract .....	1,024	1,222
Tort .....	824	790
Contract or tort .....	61	21
All others .....	123	200

Total .....	2,032	2,233
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## Defendants' findings:°°

Contract .....	103	77
Tort .....	230	162
Contract or tort .....	—	7
All others .....	127	154

Total .....	460	400
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## APPELLATE DIVISION:

## Reports allowed:

Contract .....	6	10	
Tort .....	7	10	
Contract or tort .....	3	5	
All others .....	—	1	
	<hr/>	<hr/>	
Total .....		16	26

## Reports disallowed:

Contract .....	2	0	
Tort .....	2	2	
Contract or tort .....	—	0	
All others .....	—	0	
	<hr/>	<hr/>	
Total .....		4	2

## Cases heard:

Contract .....	8	11	
Tort .....	2	12	
Contract or tort .....	1	4	
All others .....	—	0	
	<hr/>	<hr/>	
Total .....		11	27

## Cases affirmed:°°

Contract .....	3	7	
Tort .....	6	7	
Contract or tort .....	—	4	
All others .....	—	0	
	<hr/>	<hr/>	
Total .....		9	18

## Cases reversed:°°

Contract .....	3	2	
Tort .....	2	3	
Contract or tort .....	—	2	
All others .....	—	0	
	<hr/>	<hr/>	
Total .....		5	7

## Cases consolidated under G. L. c. 223, § 2:

Contract .....	12	5	
Tort .....	121	135	
Contract or tort .....	—	0	
	<hr/>	<hr/>	
Total .....		133	140

Appeals to Supreme Judicial  
Court perfected .....

2 1

Appeals to Supreme Judicial  
Court affirmed .....

2 4



## Appeals to Supreme Judicial

Court reversed .....	1	1	
Plaintiff's judgments			
By default:			
Contract .....	11,567	12,928	
Tort .....	629	469	
Contract or tort .....	4	0	
All others .....	232	86	
Total .....		12,432	13,483

## After trial:

Contract .....	967	1,066	
Tort .....	881	575	
Contract or tort .....	60	20	
All others .....	124	190	
Total .....		2,032	1,851

## By agreement:

Contract .....	993	215	
Tort .....	1,565	194	
Contract or tort .....	—	0	
All others .....	6	1	
Total .....		2,564	410

## Defendants' judgments

By non-suit:			
Contract .....	16	34	
Tort .....	39	95	
Contract or tort .....	2	5	
All others .....	3	0	
Total .....		60	134

## After trial:

Contract .....	103	77	
Tort .....	230	162	
Contract or tort .....	—	7	
All others .....	127	154	
Total .....		460	400

## By agreement:

Contract .....	34	0	
Tort .....	39	0	
Contract or tort .....	—	0	
All others .....	—	0	
Total .....		73	0

## Amount of plaintiffs' judgments:

Contract .....	7,641,114.71	9,393,483.34	
Tort .....	944,527.32	977,612.28	

Contract or tort .....	—	16.50
All others .....	1,333.34	18,063.81
Total .....	8,586,975.37	10,389,175.93

## Average of plaintiffs' judgments:

Contract .....	564.88	653.91
Tort .....	307.16	672.82
Contract or tort .....	—	.80
All others .....	3.68	629.41
Average of all judgments .....	504.29	644.25

\*Remanded cases included in total tried.

(1970)  
743

\*\*Some cases are heard before the reporting period and decided during the reporting period.

## CRIMINAL

## Complaints granted by the Court:

Automobile violations .....	6,903	4,864
Parking violations .....	194,601	
Domestic relations .....	127	131
Drunkenness in Court .....	4,461	3,841
Pedestrian violations .....	949	0
Other criminal cases .....	7,928	7,598
Total .....	214,969	16,434
Not arrested, pending trial .....	84,082	2,055
Trial by the Court:		
Pleaded guilty .....	120,079	7,315
Pleaded not guilty .....	10,808	7,064
Total .....	130,887	14,379

## Disposition of complaints tried by the Court:

Placed on file, dismissed, etc. ....	9,484	4,764
Defendants acquitted .....	5,090	1,204
Bound over to Grand Jury .....	446	337
Placed on Probation (not including surrenders) .....	3,087	2,829
Defendants fined .....	110,787	3,587
Fines appealed .....	237	202
Imprisonments .....	1,047	834
Imprisonments appealed .....	707	622
Pending for sentence .....	2	0
Total .....	130,887	14,379
Search warrants issued .....	447	253
Inquests held .....	1	0
Drunkenness released by Probation Officer .....	6,932	6,228
Parking tags issued by police .....	839,849	
Pedestrian controls notices (J-Walking)* .....	341	229
Rubbish disposal notices .....	0	1

**Parking Law Report		
Parking tags issued by police .....	834,637	
Court Complaints made .....		326,366
Defaulted .....	95,520	
Future Summonses .....	27,760	123,280
<hr/>		
Total Cases Tried .....		203,086
<hr/>		
Pleaded guilty .....	196,751	
Pleaded not guilty .....	6,335	
<hr/>		
Placed on file .....	5,989	
Probation .....	120	
Fines Paid .....	190,915	
Fines Appealed .....	20	
Defendants Acquitted .....	6,042	203,086
<hr/>		
Finances:		
Received for parking tag office .....	\$2,147,816.11	\$1,789,803
Received from court fines, fees, forfeitures, etc. ....	830,943.00	1,225,701
<hr/>		
Total:		
Turned over to the Commonwealth and to the City of Boston .....	\$2,978,759.11	\$3,015,504
Received as bail by Court .....	64,885.00	26,296
Total Finances Handed by the Court .....	\$3,043,644.11	\$3,041,800
<hr/>		

\*1970 (Except May and June)

\*\*Format of previous years changed after discussion with criminal clerk of B.M.C. Purpose of change is to isolate all parking law violations from general criminal business of the court.



## BOSTON JUVENILE COURT

Comparative statistics of the court for two years follow:

## COMPLAINTS

	1970		1971	
Juvenile:				
Boys .....	21		34	
Girls .....	—	21	—	34
Delinquent:				
Boys .....	1,594		1,634	
Girls .....	504	2,098	434	2,068
Adult:				
Men .....	27		8	
Women .....	9	36	10	18
Children in need of care and protection .....	(57) 24	24	(86) 47	47
Totals .....		2,179		2,167
Judicial Determinations — hearings <sup>o</sup> .....		8,335		8,278
Pending cases:				
Juvenile:				
Boys .....	(648) 841	(680)	863	
Girls .....	(284) 352	1,193 (273)	302	1,165
Adults:				
Men .....	(16) 31	(14)	16	
Women .....	(12) 14	45 (7)	9	25
Children in need of care and protection .....	(68) 28	28 (117)	51	51
Totals .....		1,266		1,241

<sup>o</sup>(Judicial Determinations include all matters concerning all cases that are brought for decision before the Justice of the Court; findings, dispositions, orders, and all changes in cases, such as custody arraignments, surrenders and continuances for case records.)

In the above table complaints in the various categories are stated and totalled. Individuals appear in ( ).

## SPRINGFIELD JUVENILE COURT

Comparative statistics of the court for two years follow:

## COMPLAINTS

1970\*

1971

Juvenile:				
Boys .....			7	
Girls .....			1	8
Delinquent:				
Boys .....	634		1,488	
Girls .....	140	774	250	1,738
Adult:				
Men .....	1		16	
Women .....	3	4	19	35
Children in need of care and protection .....	1	1 (46)	21	21
Totals .....		779		1,802
Judicial Determinations — hearings** .....				6,045
Pending cases:				
Juvenile:				
Boys .....	482	(660)	863	
Girls .....	106	588 (141)	165	1,028
Adults:				
Men .....	—	(9)	9	
Women .....	3	3 (14)	15	24
Children in need of care and protection .....	7	7 (36)	15	15
Totals .....		598		1,067

\*Cases based on individuals formally arraigned for 6-month period January, 1970 through June, 1970.

Pending cases are based on individuals who are active cases on June 30, 1970. (No statistics for Judicial Determinations submitted.)

\*\* (Judicial Determinations include all matters concerning all cases that are brought for decision before the Justice of the Court; findings, dispositions, orders, and all changes in cases, such as custody arraignments, surrenders and continuances for case records.)

In the above table complaints in the various categories are stated and totalled. Individuals appear in ( ).

## WORCESTER JUVENILE COURT

Comparative statistics of the court for two years follow:

COMPLAINTS				
	1970°		1971	
Juvenile:				
Boys .....			5	
Girls .....			—	5
Delinquent:				
Boys .....	529		1,154	
Girls .....	164	693	289	1,443
Adult:				
Men .....	—		2	
Women .....	2	2	8	10
Children in need of care and protection .....	41	41	86	86
Totals .....		736		1,544
Judicial Determinations — hearings°° .....				6,836
Pending cases:				
Juvenile:				
Boys .....	258	(416)	652	
Girls .....	74	332 (128)	184	836
Adults:				
Men .....	—	(0)	—	
Women .....	—	(0)	—	
Children in need of care and protection .....	47	47 (127)	79	79
			79	
Totals .....		379		915

°Cases based on individuals formally arraigned for 6-month period January, 1970 through June, 1970.

Pending cases are based on individuals who are active cases on June 30, 1970. (No statistics for Judicial Determinations submitted.)

°°(Judicial Determinations include all matters concerning all cases that are brought for decision before the Justice of the Court; findings, dispositions, orders, and all changes in cases, such as custody arraignments, surrenders and continuances for case records.)

In the above table complaints in the various categories are stated and totalled. Individuals appear in ( ).